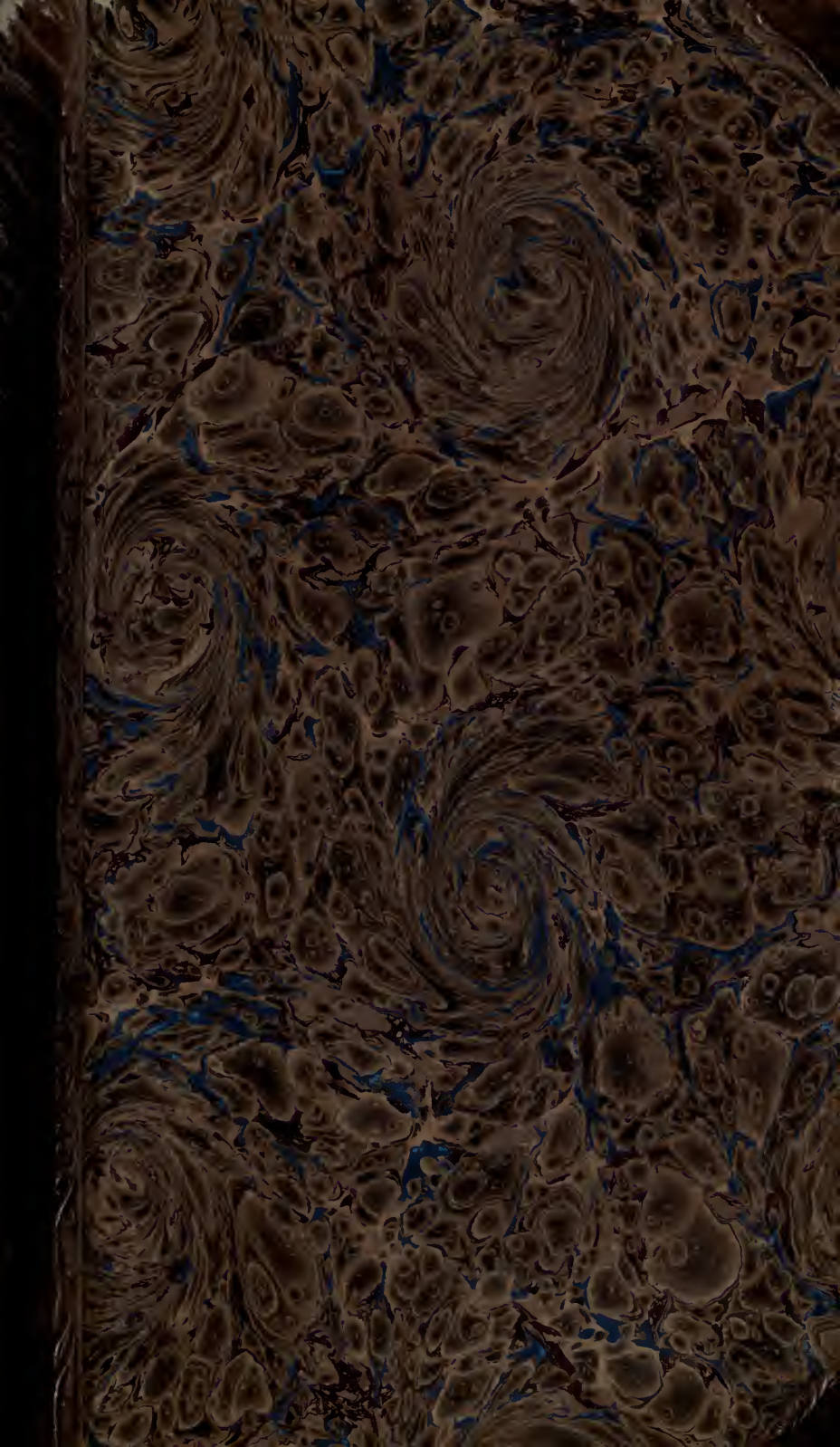




SPEECHES

UPON THE

ROMAN CATHOLIC CLAIMS:

DELIVERED IN PARLIAMENT,

BY

CHARLES LORD COLCHESTER,

IN THE

HOUSE OF COMMONS WHEN SPEAKER,

AND

SUBSEQUENTLY IN THE HOUSE OF PEERS.

WITH

PRELIMINARY OBSERVATIONS

UPON THE PRESENT STATE

OF THE ROMAN CATHOLIC QUESTION.

LONDON:

J. HATCHARD AND SON, 187, PICCADILLY.

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REVISED

ROMAN CATHOLIC ALPHABET

BY THE REV. FATHER

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OF THE UNIVERSITY OF PARIS

AND

OF THE SOCIETY OF JESUITS

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PRELIMINARY

OBSERVATIONS.

THE state of the Laws affecting his Majesty's Roman Catholic subjects has now for many years, and more especially since the Union with Ireland, become the subject of proposed Legislation; through the greater part of which time, from the Office which I then held, my attention was necessarily and unremittingly bestowed upon the various Measures submitted to the consideration of the House of Commons. Ill health having afterwards occasioned my removal from that House of Parliament, and obliged me also to reside abroad for some years, and chiefly in countries where the Roman Catholic Religion is dominant, the same important subject was not absent from my thoughts. And having since attended the many discussions of the same subject in the Upper House of Parliament, where I have occasionally thought it my duty also to take part in the debates upon it, the Result of the fullest consideration which I have been able to bestow upon this important question, is a sincere conviction,—That

with respect to the permanent Principles and Policy which ought to govern our Legislation, there can be no just cause for doubting upon the course which, in conformity to the established Constitution and Laws of the British Empire, it is most expedient to adopt.

According to the British Constitution, as established upon the double basis of the Reformation and the Revolution, it appears to me, that the Government and Parliament must ever be wholly Protestant,—That no Political Power can with safety to the State be conceded to his Majesty's Roman Catholic subjects;—That against the misuse of Political Power by Roman Catholics in our Protestant Representative Constitution, there is no effectual security but their Exclusion;—and That the elective franchise, prematurely granted to the forty-shilling freeholders of Ireland, must be withdrawn and withholden, until they can be rescued from their present slavish subjection to the Roman Catholic Clergy; and until by improved habits of life, resulting from a sounder education and regular employment in profitable labour, (for which the means are not wanting,) they shall become an independent, industrious, and peaceable Yeomanry, like those of their kindred class in the rest of the United kingdom. The reasons and proofs upon which these opinions rest, are set forth and discussed in the following pages.

To me it appears also, That the Allegiance of His Majesty's Roman Catholic subjects cannot be sufficiently ensured for the welfare and tranquillity of the State, unless the Roman Catholic Hierarchy, and the Ecclesiastical Jurisdiction exercised by the Roman Catholic church over that portion of His Majesty's subjects, be brought under the same legal control which The Sovereign holds and exercises over all the rest of his subjects of whatever denomination: and to accomplish this object, resort must be had, not to any co-operation of Foreign aid, or tortuous Negotiations at home or abroad, but to direct, independent, domestic Legislation; removing out of the realm all Institutions, Monastic or others, which are ruled by authorities residing in foreign countries; subjecting all the Secular Clergy, of every degree, to the control of the Crown; and duly regulating their Intercourse with the See of Rome.

With these fixed and unalterable Principles, to be limited in their extent by the necessity out of which they arise, it will be due however to the Roman Catholics, as to all other classes of our fellow-countrymen, that whatever else of Protection, Honour, Privilege, or Emolument can be safely granted, should be granted freely and spontaneously to all. Their Religious Worship, if they need it, should have further protection from disturbance, with a due check nevertheless upon unnecessary parade of ostentatious Processions,

endangering the public peace in our streets ; and providing also that their power of Spiritual Excommunication shall be disarmed of its Temporal effects. Their Marriages, according to the rites of their own Church, should be acknowledged as valid by our Courts of Law, without constraining them to a conformity with the rites of the Protestant Church, to which their modes of faith are opposed. At the Bar, Precedence should be granted to Roman Catholic Barristers, by the same rules of estimation which apply to all others of the same profession. In the Revenue, and other branches of Civil Service, the same objects of Employment and Emolument, which are accessible to others, might be justly placed within the reach of their attainments, industry, and merits. But in leaving their admissibility to Naval and Military rank, as it now stands, it must never be supposed that the Public exercise of any other form of Worship than that of the Established Church can be permitted in our camps or fleets.

Entertaining these views, I have long regretted that the Roman Catholics should have rejected every lesser advantage and benefit which was within their reach ; but it has hitherto appeared, that unless they can lay their hands at once upon the Helm of the State, they disdainfully reject all lesser benefits. Such at least was the conduct of their Leaders in the year 1813 ; and such, if their Claims are now

to be renewed, we are told, will be the only ground on which they will consent to put the issue of the present Crisis.

For this Crisis we must therefore now prepare: and looking forward to it with those feelings of intense interest which are displayed all around us, it is naturally and anxiously asked, What knowledge does the Nation possess of those Opinions whose paramount authority must decide that issue?

Of the August Sovereign now happily on the throne of these Realms, we are precluded by the principles of our Constitution from stating his Personal Opinions upon matters depending in Parliament, which those now under our consideration are so soon to become. But we all know the solemn nature and form of the Coronation Oath which He has taken. We know also the fixed and recorded opinions of his revered Predecessor, upon the full Extent of that Obligation. From those Principles we are firmly persuaded that He will not depart; and that the high Prerogative of refusing the Royal Assent to any obnoxious Measures, a Prerogative repeatedly exercised during the Reigns of King William and Queen Anne, by the Sovereign personally* present in Parliament, will be again effectually exerted, if necessary, for the protection of our Established Constitution.

* See Lords Journals. 24 Feb. 1691.—14 March 1692.—25 Jan. 1693.—10 April 1696.—12 June 1701.—11 March 1707.

The House of Peers has repeatedly, and by large majorities, refused any such Concessions as are now demanded.

The House of Commons, indeed, has been alternately willing and unwilling to concede; and the Opinion of that portion of the Legislature may be justly said, at this time, to hang in doubtful balance.

The Government, beneficially for the State or otherwise, as it may eventually prove, but with a heavy intermediate responsibility, has under these circumstances proclaimed itself Neutral, and hitherto pronounces upon this subject no Collective Opinion whatever.

The People on their part, having no other opportunity during the recess of Parliament, and having no early prospect of a fresh appeal to them by a dissolution of the present Parliament, have shown, so far as in England they have been called together, a decided Opposition to further concession, which doubtless will be farther attested by multitudinous Addresses and Petitions.

And in Ireland, during what has been for more than many months almost an Interregnum, except for the acts of the intrusive Government set up by the Roman Catholic Association, it is no matter of surprise that the Protestant subjects of His Majesty should have resorted, in their own defence, and for the protection of their Civil and Religious Liberties, to a method of declaring their sentiments, which new as it is in Form, has been

called forth by new and appalling Circumstances, where a Power has grown up and been allowed to display itself in such acts of Usurped authority as our forefathers never witnessed.

Such then is the Crisis at which we are arrived; and all eyes are looking steadfastly to the Issue which may await the Country upon the commencement of the approaching Session of Parliament.

That the Dictator and Director of that mischievous assembly, which has gloried in trampling upon the Law, will no longer have to boast of his Triumph; and that he will find the barriers of its Sanctuary strong enough to exclude him, will be shortly seen.

By an early Statute in the reign of Elizabeth, every Member who shall enter the Parliament House without having taken the Oath of Supremacy before the Lord Steward or his deputies, shall be to all intents and purposes as if he had never been returned. Under this Law, Sir John Leeds in the reign of James I. was disabled from serving in the Parliament to which he had been elected;* and although the form of Oath has been varied from time to time, the legal consequences of not taking it remain the same.

By a Law passed in the reign of Charles the Second, all Members of the House of Commons were also required to take the Oaths of Allegiance

* 1 Lords Journ. 516.

and Supremacy, and to make and subscribe the Declaration against Transubstantiation at the Table of the House ; and all who should wilfully presume to sit or vote without taking the said Oaths, or making and signing the Declaration, were thereby disabled from sitting or voting in the Parliament to which they had been elected ; their election was declared void, and new writs were directed to be issued for the election of other Members in their place, as if they were naturally dead. Under this Law, within ten years after the Revolution, Sir Henry Mounson,* the Lord Fanshawe,† and John Archdall,‡—and again in the reign of George the First, Lewis Pryse,§ knight of the shire for the county of Cardigan,—upon their refusal to take the Oaths and make and sign the Declaration, were severally discharged or expelled, and new writs were issued in due course to elect others in their place ; only delaying the new writ where the election was questioned by Petition, as in the case of Lord Fanshawe, until after the Petition was heard. || And that the same Law applies equally to all Members elected since the Union with Ireland, is plainly declared by the 4th article of the Union ; and is proved also by the several Acts of personal Indemnity which have been since passed for the relief of Members

* x. Com. Journ. 131. † Ibid. ‡ xii. Com. Journ. 386—388.

§ xviii. Com. Journ. 411. || x. Com. Journ. 188,

(Ireland inclusive) who had inadvertently taken their seats before they had conformed to the conditions prescribed by the Law.

It were much to be wished that the Law of elections should be extended, so as to require the like tests from every Candidate before any vote can be received for him at an election; in order that the public peace may not be troubled by the needless return of any person, who if elected is nevertheless incapable to sit or vote in Parliament.

That the Roman Catholic Association must also be put down, together with its Catholic Rent, (no new Expedient of Roman Catholic Agitators in Ireland,*) no loyal man can doubt. Why it has been hitherto tolerated, if not countenanced, in its proceedings, by the successive Local Governments of Ireland, is a question not easily answered; nor why it has been so long endured by the King's Government at home; unless indeed because the Law enacted for its suppression was not so framed by those who prepared it, as to be effectual for its professed purpose. The time however is now at hand, for showing that such a Tyranny, Spiritual and Temporal, must be brought to an end; and that no power is to be acknow-

* First practiced in 1613 for support of the Deputation of "Mutineers" to James I. See Proclamation of the Lord Deputy Chichester, 9 July 1613.

ledged by the King's Subjects but that of the King and his Parliament.

After the Government and the Parliament shall have thus vindicated their honour, it will appear finally,—Whether the Roman Catholics will again renew their Claims of unqualified and unconditional Admission to all the Powers of governing a Protestant Empire. It will appear also,—What further Measures, if any, will be brought forward by the Ministers of the Crown for altering the present state of the law, and bringing the Roman Catholic portion of His Majesty's subjects into more complete subjection to the Supremacy of the State; allowing to them, nevertheless, the full benefit of all Stations and Employments of Honour or Emolument to which they can with safety be admitted. And this Nation, which has long been accustomed to look with admiration and gratitude to its Illustrious Deliverer in War, will as confidently expect that its Protestant Constitution in Church and State, now intrusted to His hands, shall be by Him maintained and preserved entire and unimpaired; in defiance of all attacks by clamour and open violence, or other machinations not less dangerous, by which its enemies may attempt its overthrow.

COLCHESTER.

KIDBROOKE,

15, Nov. 1828.

SPEECHES.

I.

On the 9th of March, 1813.—The House of Commons having this day resolved itself into a Committee of the whole House, (Mr. Wrottesley in the chair,) “to take into its most serious consideration the state of the Laws affecting His Majesty’s Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant Establishment, and to the general satisfaction and concord of all classes of His Majesty’s subjects,”

MR. GRATTAN moved, “That with a view to such an Adjustment as may be conducive to the Peace and strength of the United Kingdom, to the Security of the Established Church, and to the ultimate Concord of all classes of His Majesty’s subjects, it is highly advisable to provide for the removal of the civil and military Disqualifications under which His Majesty’s Roman Catholic subjects now labour, with such exceptions, and under such regulations as may be found necessary for preserving unalterably the Protestant Succession to the Crown, according to the Act for the further limitation of the Crown, and better

securing the rights and liberties of the Subject, and for maintaining inviolate the Protestant Episcopal Church of England and Ireland, and the Doctrines, Discipline, and Government, as the same are respectively by Law established." Whereupon the Right Honourable Charles Abbot (the Speaker) rose and spoke as follows :

Mr. Wrottesley,

THE Right honourable Gentleman who spoke last (Mr. Grattan) having truly stated that our present discussion may be considered as the continuation of the former debate upon the question, and the Resolution in your hand as the basis of the whole measure proposed for our adoption, I am desirous of taking the earliest opportunity in my power, to enter my warning protest against the course hitherto pursued, as well as against the measure now proposed ; and at the same time to state such other course as in my opinion might advantageously be taken for enlarging the privileges of His Majesty's Roman Catholic subjects, without endangering the general fabric of the Constitution.

And, Sir, in the first place, looking back to the Mode by which we have arrived at the Committee, I cannot think that its result will be successful. The object for which the House was persuaded to enter into this Committee, was to discuss the details of Three different Plans ; the First of which is already abandoned, the Second will satisfy no party, and the Third is admitted to be impracticable.

The First plan was for unlimited and unconditional concession, as urged by the Irish Roman Catholics in their petitions. But this claim of right for absolute and unconditional Emancipation (as it is termed) has found but few advocates in this House; it has been abandoned by the Right honourable Mover of this great question, and disclaimed also by the Right honourable Gentleman (Mr. Plunkett) who supported the motion with such distinguished eloquence and ability upon the first day of these debates. It has now no longer any persisting advocate.

The Second plan was for qualified concessions, with some legislative control over the Roman Catholic clergy. This is apparently the plan of the Right Honourable Mover, so far as hitherto explained; and it is undoubtedly the plan of the Right honourable gentleman (Mr. Canning) who obtained from the last parliament the pledge for entering upon its consideration.

But this Plan is resisted by the Roman Catholics themselves; for they call it persecution, and inadmissible control. They refuse even to subject their Church discipline to State inspection; as we may collect from the Declaration of the Roman Catholic Prelates at Dublin in November 1812, and also from the explicit language contained in the publication of Mr. Clinch, whom they have avowed and adopted, by a formal resolution, as their advocate and champion.

And as this plan is also acknowledged to

involve a repeal of the Corporation and Test Acts, such concessions will on the other hand dissatisfy the Protestant Church of England. So that if the Roman Catholics are not gained, and the Protestants are dissatisfied, the whole professed object of Conciliation is lost.

The Third plan, that of the noble Viscount (Lord Castlereagh,) is for bringing the Roman Catholics within the reach of political power, with safety to the Protestant establishment, by obtaining the sanction and concurrence of the head of the Roman Catholic Church, to such arrangements as shall be satisfactory to both parties. But this is admitted at the present time to be wholly impracticable, if desirable, and may be fairly laid out of the question for all present purposes.

Such are the Three Plans, of which the different supporters have all concurred in voting for this Committee; but where two parties out of three cannot attain their object, and the third party are by no means agreed upon its extent, or upon the mode of executing it.

With respect to the measure itself, as now proposed, I object altogether to its form and character. We are required to begin with a sweeping repeal of all known Securities, upon the faith of other Securities as yet unknown. Our surrender is to be instant and nearly entire; the provision for self-defence is to be subsequent and precarious.

What is the proposed grant, when drawn out into particulars? The doors of both Houses of Parliament, of the Privy Council, of the Judicial bench, and all Corporate Magistracy, are at once to be laid open; and the Test Act in England, which the Prince of Orange expressly insisted upon retaining at the Revolution, is to be abolished. All these are fearful changes. For old checks, as it appears to me, may nevertheless be good against new dangers; and what protected us at one time from a Pretender to the throne, may not be useless at another time against the Domestic disturber, or the Foreign invader and subverter of Empires.

Then as to the Securities: we are told that we have the present Oaths, and that we shall have some control over the Roman Catholic Clergy, and their Foreign Intercourse. Of the Oaths I do not mean to speak lightly, or of the conscientious sense in which they may be taken by honourable men. But we cannot be blind or deaf to all that is to be seen and heard upon this subject. We see in England no very great eagerness to take these Oaths, if we may judge by the recent statement of the Oaths taken by Roman Catholics, and returned to the Privy Council under the Act of 1791; for during the last ten years there appears to have been but one solitary instance. And however specific the language of these Oaths and asseverations, there have not been wanting many explanatory dis-

inctions to do away their effect. Some are said to be solemn and serious, some serious, but not solemn; we have some that are active, and some that are passive. And in Ireland, the honourable Baronet opposite to me (Sir John Hippisley) well knows that Ecclesiastical monitions have been issued, to warn the Roman Catholics from unwarily thinking these Oaths more extensively binding than they really are, and from supposing themselves too much under the necessity of forbearing to weaken and disturb the Protestant Church and government. With respect to the control and regulation of the Roman Catholic Church, without which it is said that no act of concession should be allowed to operate, and until which takes place we have been advised that all privileges, if granted, should nevertheless be suspended in their operation;* would it not be more rational to begin with the Regulating Bill, and see whether the Roman Catholics will accede to any regulation whatever? For if not, the whole proceeding in the way of conciliation is worse than nugatory.

The consequences, however, of such a Bill, even if proposed to lie over for consideration to another session of Parliament, will not be indifferent; it will naturally give exaggerated hopes to the Roman Catholics, which cannot be ultimately fulfilled, and it will spread universal dis-

* By the Right Honourable W. C. Plunket, in his Speech 25th of Feb. 1813.

satisfaction through the Established Church, and hold out the prospect of perpetual conflict and agitation. For I think no maxim more false or dangerous in Policy, than that which has been advanced in support of measures like the present, that by adding to the Power of those who are hostile to our establishments, we may hope to abate of their Enmity.

I shall then be asked, can I think that matters ought all to remain on their present footing; or do I believe that they can so remain? I have never thought so; I have often said otherwise to those with whom I have communicated upon these subjects. There is much to be done every way.

But my Views are different from those of the present proceeding, both as to the Measure and the Mode. The Measure must not be sweeping and violent, and the Mode must be distinct and gradual. The temper of this country, in great concerns of Legislation, is happily slow and cautious; the people are not unwilling to consider of useful changes, but they are not disposed to the hazardous adoption of wholesale projects.

There are several important changes for which I am prepared, useful to the State as Protestant, and useful also to the Roman Catholics; which nevertheless would not alter the fundamental policy of the constitution. Some are of Concession, some of Regulation.

In the way of Concession, adverse as my principles are to admitting the Roman Catholics into offices of civil power, authority, or jurisdiction, I should gladly open to them a larger and more liberal share in the honours of the Military profession. The Roman Catholic Officer should rise as freely to Military rank in every part of the Empire as he may by law in Ireland; the Military system, in this respect, should also be made uniform and complete for all His Majesty's subjects of every religious persuasion. Beyond this I should be glad to see a repeal of that part of the law of 1793, which excludes Roman Catholics from the situation of Generals on the Staff; for I would place within the reach of their honourable ambition all the high ranks of military command, excepting only the very highest commands at home; and I except those, only because they have necessarily in their hands great Political Power.

I state this as an instance of Concession involving no transfer of power, though it confers high rewards for honourable exertion in the field; and I would apply the same principle also most freely to the honours of the Bar. Nor do I believe that Concessions of this description, if asked for, would in either case be denied.

Again, the Toleration of the Roman Catholic Religion should be rendered more complete, in points of which the Roman Catholics may now reasonably complain. The rights of the Irish

Roman Catholic soldier to his own religious worship in England, should stand upon law here, as it does in Ireland, and not merely upon military regulation. The English Roman Catholic should not be compelled to marry in Protestant Churches. And the Roman Catholic Mass Houses everywhere should be protected by law from outrage and disturbance as completely as all other places of Religious Worship.

All these are instances illustrative of that description of privileges and protections, which in my judgment might safely and usefully be granted at once, and without stipulation or condition.

On the other hand, measures also must be adopted for regulating the Roman Catholic Church independently of every question of Concession, and whether any further privileges are granted or not. The Hierarchy of the English and Irish Roman Catholics must be brought within the inspection and control of the State. Parliament has been compelled to look into this subject, and the conclusion is irresistible.

Foreign intercourse, and even foreign influence, are alleged to be of the essence of the Roman Catholic religion; and the master-link of foreign connexion is in the hands of our mortal enemy. The Noble Viscount has told us the opinion formed by the most vigilant ministers of France:* and the recent acts of Buonaparte

* See the "Exposé de la Situation de l'Empire au 1^{er}

demonstrate his opinion of the important influence of papal authority over all Roman Catholics. In Ireland, all who have read the instructive publications of the Honourable Baronet, know that in modern times even Aliens have been obtruded and appointed to Roman Catholic Bishoprics there ; and when General Humbert invaded Ireland, and landed at Killala, he found that the Roman Catholic Bishop of Killala, appointed by the Pope, was brother to a rebel General in his own army. These things must no longer be endured. And that the Vicars Apostolic of England must also be brought within the cognizance of the State, is most evident from the formidable nature of their powers, which they exercised in the transactions of the year 1790 over the English Roman Catholics.

Upon this point, if the Roman Catholic Prelates in England and Ireland have any desire to conciliate their Protestant fellow-subjects, the road is now open to them ; this is their day ; let them come forward and define the limits of their obedience, and tender the largest submission which any other Roman Catholic subjects have ever yielded to any Protestant government. If they decline so to do, their disposition will be no longer doubtful. But at all events, whether they do or not, it behoves Government to look to its own security in this quarter, and new model the provisions of

Decembre, 1809, par Le Comte Montalivet," in the Recueil de Decrets, &c. Tom. iii. p. 724—731.

the statute of Elizabeth, and apply it to all parts of the United Kingdom, before even any proposal can be entertained for putting the English and Irish Roman Catholics upon a footing of equal privileges.

As to further claims of Civil Power, I confess I see no prospect of making any such Concession, until the Roman Catholic Clergy shall go much further, and bring themselves to the temper of other Roman Catholic countries and times, where the Spiritual Supremacy of the Pope has been altogether renounced; for history shows it to have been no part of the ancient Roman Catholic Religion; and it is vain and idle to be fastidious in declining to understand those matters with which we have practically to deal. Whilst the Spiritual Supremacy of the Pope is reserved by the Roman Catholic Clergy out of their allegiance to the State, in the language of Lord Clarendon, who had deeply examined and has amply developed this subject, “this reserve is elusory of the whole.”* Other able writers have truly described it to be “a mere legerdemain.” And until this is renounced, I would answer the Roman Catholic claims for power, in the recent language of one of the Northern counties of Ireland,† “If you

* See Lord Clarendon. “Religion and Policy, with a Survey of the Power and Jurisdiction of the Pope in the dominions of other Princes.” *Oxon*, 1811.

† See Resolution of the County of Sligo, Aug. 12, 1812, and Petition presented Dec. 7, 1812.

cannot give up what you call your Faith, we cannot give up what we know to be our Constitution."

With respect to these points, on which I have taken the liberty of suggesting the expediency of a larger Admission to honours, and a stricter Regulation of allegiance, all these, in my humble judgment, demand our early and serious attention; but they stand clear of all encroachment upon the Civil and Political Power of this Protestant state, and therefore this Committee is not the proceeding out of which they should originate.

The Petitions before us, the discussions which have preceded and attended them, and the origin of this Committee, are all too hostile in their aspect, and too lofty in their pretensions; and if allowed to go to their professed and intended length, would speedily endanger the public tranquillity; and England will no longer be England, if all religious distinctions in the State are to be laid prostrate, for the vain and chimerical scheme of establishing the rights of what is called universal religious liberty, uncontrolled by maxims and considerations of civil expediency, and unchecked by the necessary defences of our Establishments.

For these reasons, readily as I should concur in any or all of the separate Measures which I have suggested, when brought under our separate consideration, and in another course, I must give

my decided negative to the general sweeping and subversive principles of the Proposition now laid before us.

After Debate thereupon, the Question being put, to agree to the proposed Resolution, the Committee divided ;

Ayes, to the right, 186—Noes, to the left, 119—Majority, 67. And so the question passed in the Affirmative.

RESOLVED:—"That the Chairman be directed to move for leave to bring in a Bill pursuant to the said Resolution."

II.

On the 24th of May, 1813.—The House of Commons having this day resolved itself into a Committee of the whole House, (Mr. Abercromby in the Chair,) upon the Bill “to provide for the removal of the Civil and Military Disqualifications under which His Majesty’s Roman Catholic subjects now labour:”—and the Chairman having proceeded to read the first clause, whereby it was enacted—“That from and after the passing of the Act, it shall and may be lawful for persons professing the Roman Catholic Religion, to sit and vote in either House of Parliament, &c.” The Right Honourable Charles Abbot (the Speaker) rose, and spoke as follows:—

Mr. Abercromby,
 ACCORDING to my view of this great Measure, in its origin and progress, I must of course be adverse to the present Bill. And I am desirous of taking the earliest opportunity which is allowed to me, for stating the general grounds upon which I think we should now do well to pause upon our proceedings; and also those general principles, which, when applied to the structure of this Bill in its different parts, must lead to such amendments as would destroy its main purpose, namely, the admission of the Roman Catholics to Political Power, and the capacity of bearing sovereign rule in a Protestant State.

The basis of our whole proceedings was originally laid down in terms of sound practical wisdom. And the Right honourable gentleman (Mr. Canning) who brought forward in a former Parliament a Resolution of the same character as that out of which the present Bill has sprung, after explicitly declaring that his object was to accomplish a final and conciliating adjustment, declared also,* that unless such Arrangement could be made satisfactory to all parties, and without conferring a triumph upon either, he himself should no longer think its execution to be desirable.

And now that this Bill, with all its amended and incorporated provisions, is before us,—Does it appear that this basis of general satisfaction and concord is likely to be established?

What say the Roman Catholics of Ireland? Have the Roman Catholic Laity and their Catholic Board (the hitherto avowed and accredited organ of their sentiments) declared their approbation of this Bill? Certainly not. And so far as we do know of their proceedings, some of their most distinguished Leaders and auxiliary Delegates have, in three successive meetings, most vehemently declaimed against it.

The Roman Catholic Clergy on their part, also cry out aloud against its Ecclesiastical provisions. The Roman Catholic Metropolitan Archbishop of Dublin, Dr. Troy, has declared them to be worse

* On making the original motion *June 2, 1812.*

than the old Veto. And a Vicar Apostolic in England, who presides episcopally over the Midland district,* and is himself the Agent for all the Roman Catholic Prelates of Ireland, has denounced them as what all Roman Catholics must abhor, and has declared to the world, that sooner than accept them, they will lay down their lives upon the scaffold.

Of the Protestant millions in this United Kingdom, the large majority of His Majesty's subjects, it is needless to ask, Whether they can be satisfied to place the Government, if not the Crown of Ireland, within the reach of Roman Catholic hands; and to create the means of surrounding the Sovereign himself with Ministers of state, whose Religion must be hostile to his own right of succession to the throne?

This surely is an inauspicious commencement, and might be well taken for a warning loud enough to arrest our progress; for I fear, that instead of establishing Concord, we shall only be opening new scenes of collision and conflict.

But, Sir, in proceeding to the consideration of the Bill itself, I think our judgment must be formed by an examination of the System which it seeks to establish, as compared with those general rules and maxims of Policy, which hitherto have been deemed fundamental in this Constitution.

The elementary Principles upon this subject

* Dr. Milner, Bishop of Castabala, V. A.

are few and clear, and happily are now admitted by all who share in our debates. It is now allowed, that State Expediency and Civil Utility, not abstract Right, must decide in all cases upon the form of government in which the sovereign powers of any State are to be concentrated, and also upon the extent to which its control should be exercised over the natural free agency of the people, in matters civil and religious.

Looking to the strength and tranquillity of a State, in the mode of combining its civil and ecclesiastical authorities, many of the wisest men have hitherto agreed, that it would be desirable, so far as practicable, that the civil authority of the State should be vested in those only who conform to the Established Religion of the State. But the diversity incident to human opinion, and the liberty of action necessary to a popular State, require also, that such conformity should be exacted no further than the safety of the Government itself demands; and the measure of its Danger, is the true measure of Exclusion.

And thus it is, that our Constitution, as settled at the Revolution, stands upon the joint principle, of excluding from Power all nonconformists by a religious test, and of bestowing at the same time the fullest religious Toleration upon all the excluded. Upon this Principle it is, that the Crown itself is holden by a Religious Test: and the Church of England having been found upon experience to be well suited, by the form of its

government, to the practice and habits of the English Constitution, the safety of the Church has been at all times, and deservedly, the object of its earnest solicitude. By the same principles, adopted and acted upon now for nearly one hundred and twenty years, the State has excluded by a religious test all Protestant Dissenters from civil and military Offices, upon an opinion (rightly or wrongly formed) of their imperfect attachment to the Constitution in Church and State; and it has also excluded the Roman Catholics from Parliament, as well as from all Offices, civil and military, upon the score of their alleged defective Allegiance.

Some of these Exclusions, it is true, have been deemed from time to time to be of less urgent necessity; I mean those which regard the Protestant Dissenters: and although it has not been thought prudent to repeal those laws; and although in the memorable debates of 1796, their continuance was vindicated by Mr. Windham, upon the principle of self-defence, and the restraint of mischief from those who might use the powers of the State to subvert it, it has nevertheless been deemed fit to suspend and relax their operation, upon the long experience of the loyalty of the Protestant Dissenters, and their exemplary conduct.

Against the Roman Catholics, however, the laws of Exclusion have been maintained in permanent force, founded as they were upon the

existence of Principles imputed to the body excluded; which principles have not appeared to have undergone any subsequent alteration. And from this Policy, I profess that I do not yet see any cause to depart. For I agree in the opinions, and desire to adopt the language of Mr. Burke, in his Tract upon the Popery Laws of Ireland, “That to exclude the Roman Catholics from all Offices in Church and State is a just and necessary provision,” whatever we may think of their admission into the Army or Revenue; which in another part of his writings upon this subject (his first letter to Sir Hercules Langrishe) he describes to be only subservient parts in the economy and execution, rather than in the administration of affairs; distinguishing those Offices which really guide the State, from those which are merely Instrumental.

What therefore I now contend for, as upon a former occasion, is this; that we ought still to withhold from the Roman Catholics all capacity of Political Power and Jurisdiction; but at the same time widely and liberally to lay open before them the field of profitable and honourable reward for distinguished exertions and services, and in matters of Religion, to render their legal Toleration complete.

With this view of the Principles which have hitherto guided our ancestors, from the period of the Revolution to our own days, let us apply them to this Bill, and try its merits; taking

however into our consideration, not only what it does contain, but also certain other points which it does not contain.

By the leading Enactments contained in this Bill, we at once throw open the doors of Parliament, and give access to all, or nearly all, the executive departments, Political, Judicial, Civil, and Military.

And first, of Parliament, which if carried, I believe both the supporters and opponents of the Bill will agree, must speedily put the Roman Catholics into possession of all their ulterior objects. Take the admission of Roman Catholics into Parliament as Individuals, or take them as a Body: to admit those who as Individuals may become the distinguished Leaders of parties, and at the same time to debar them from filling the ruling Offices of the State, would be to create a most dangerous combination of means and motives; for their natural and legitimate ambition, when baffled and obstructed from advancing in its ordinary career, could then attain its objects only by resorting to the most violent courses. If in Parliament, they ought also to be admissible into the confidential service of the Crown; but that is another species of mischief equally to be guarded against, and which falls under another head. Consider the Roman Catholics sitting here collectively as a Body, there is also much ground for apprehension; their peculiarity of connexion must necessarily produce that combination of

strength, which, coalescing in critical times with all the other embodied discontent incident to a popular state, would produce an overwhelming force, and endanger the general Establishments of the country.

I do not certainly presume to ascribe any such spirit or temper as likely to actuate any known Individuals, who might in such an event be returned at any future election; my duty and my disposition alike forbid it; but from such causes, such consequences must naturally and inevitably flow; and I can assure those honourable Gentlemen from Ireland, whom I am now addressing, that amongst the many causes which strongly induce me to oppose the present measure, is the firm persuasion, that we should have but little chance of seeing many of the same Representatives from Ireland any longer sitting among us.

Of the Executive Offices, the Privy Council may be considered as comprising those who hold the Seals of all the great and efficient departments of the State; and it needs no words to prove, that they must necessarily sway and direct the Government in all its branches. That Right, I think, ought never to be conceded.

The Bench of Justice, if occupied by Roman Catholics (however ably and impartially filled) cannot be expected to administer Justice upon Protestant Church rights with equal satisfaction to Protestant suitors; to say nothing of the graver cases of Criminal Justice: And Justice

which is not satisfactorily administered, is, politically speaking, no Justice at all. These therefore are Offices which, I think, ought never to be conceded.

As to the general range of other Offices, which fill up the functions of the State, I have already declared upon a former occasion, with respect to the Military, my perfect concurrence in admitting the Roman Catholics to all the objects of their honourable ambition in the profession of Arms, short only of such as are mixed with the Political Government of the State. And as to those of a Civil nature, whether derived from the Crown, or obtained by Corporate franchise, I am content to adopt the plan suggested by the Noble Lord near me (Lord Castlereagh) that the existing law in England should continue to prevail, and that the admission of Roman Catholics here (so far as regards the Sacramental Test) should depend upon the same annual Bill of Indemnity which now covers the case of the Protestant Non-conformists. So also as to the Admission of Roman Catholics to become what are called independent members of our Universities; excluding them where other Non-conformists are now excluded, and admitting them where Non-conformists are now admitted; a rule varying in its operation, according to the various Statutes which prevail in the several Universities of England, Scotland, and Ireland.

But, Sir, this is not all. There are also other

matters, not contained in this Bill, which appear to me to require our attention. Some are of necessary Restriction, and others of Concession, which the suggesters or framers of this Bill have not condescended to propose; but which, in justice to the Roman Catholic body, and to ourselves, we should grant.

Amongst the Restrictions omitted, and which ought to have been inserted, stands, first, the regulation of all Religious Houses now existing in this realm, and the not suffering others to grow up. Within the United Kingdom we have at present Benedictines, Franciscans, Dominicans, and almost every other description of Monastic order. But the Jesuit funds now employed upon Stonyhurst are alone sufficient to awaken our attention. Of the system of education, indeed, as there conducted, we know only that it is not the same as at Maynooth; and that their young men are afterwards sent out for ordination to the College of the Order in Sicily, from whence they are re-imported into this country. And yet these are the persons who are now about to establish themselves in Ireland, for the purpose of spreading their own peculiar and suspected modes of Education.*

* In what manner the Order of JESUITS *is* and *is not* revived in England, will appear from the following extract of a letter from *Cardinal Consalvi* to Dr. *Poynter*, Vicar Apostolic of the London District, to be communicated by him to His Majesty's Government:—"Quare Amplitudo tua Regis ministris poterit de-

Some provision should also be made for imposing an effectual restraint upon Spiritual Excommunication, so far as to deprive it of all civil consequences. Many and grievous are the sentences of this sort which are known to have occurred both in England and Ireland, in our own times: and it may be enough now to refer to the melancholy fate of those persons who were excommunicated in 1791, for their civil conduct in those memorable transactions, and whose misfortunes have been so often and so feelingly lamented by the English Roman Catholics. Such sentences are derogatory to the civil rights of the subject, and in this free Country they should no longer be endured.

Sir, I complain equally that other Concessions also have been omitted, which should have been inserted in this Bill of Relief; and more especially those, which respect the legal right of the Roman Catholic Soldier to his own mode of Worship (a topic heretofore loudly urged within these walls); the exemption also of the Roman Catholics from the obligation to solemnize their Marriages in Protestant churches, and the protection of their places of Worship in

clarare SOCIETATEM JESU in *Angliâ* (cùm civilis Potestas eidem recipiendæ ac revocandæ repugnet) *nondum restitutam* censi; *quævis* generatim ita *restituta sit*, ut, si Gubernium illam admittere vellet, opus non esset peculiari Apostolicâ Concessione, ut eadem Societas in *Anglia recipietur*."—18 April 1820.

Ireland from insult and outrage, by laws as effectual as those which now prevail in England.

Why were not some provisions for remedying these acknowledged grievances embodied and inserted into this Bill of relief? To peaceable and conscientious Roman Catholics, they could not be otherwise than acceptable. But omissions like these all tend to demonstrate, that Religious Liberty has not been the real object of the promoters of this Bill, whose provisions and enactments point to nothing but Political Ascendancy.

With these subordinate concessions, however, I must nevertheless repeat my strong protest against all those larger innovations, which, according to the language of Mr. Burke, tend to change the ruling character of the state. And when it is said, that these dangers are visionary, we reply, that what to-day seems to them unreal, may to-morrow display its reality. All these are departures from Principle. The mischief is in making the breach; and if the barriers are thrown down, though the first influx of the tide may be unalarming, it will be too late to repair to it, when the full flood is come upon us.

With respect to the proposed guards and Securities, which constitute the latter half of this Bill, they consist partly of Oaths, and partly of Regulations for Ecclesiastical Appointments, and the restriction of Foreign Intercourse.

As to Oaths :—I do not think they are to be undervalued; but they cannot be accepted without some discrimination. Upon enlightened and honourable minds, I do not doubt their obligatory force. It must not however be forgotten, that the minds of the great mass of Roman Catholic population are in a state of darkness, and absolute subjugation to the Priesthood. Of the particular structure of these Oaths I shall not now enter into any discussion; a matter upon which the Honourable Baronet opposite to me (Sir John Hippisley) is competent to give the House much important information. But that they are not to be entirely relied upon, is apparent by the very conduct of the friends of the Bill, and by the necessity they have felt of superadding other Regulations to enforce the same purposes. We must also bear in mind by whom these Oaths are to be interpreted, and how they have been interpreted. Nor can we shut our eyes against the notorious fact, that the Sovereign Pontiff, not in ancient times, but so lately as in the year 1809, by a solemn instruction to the Prelates of his church, has commanded them to distinguish between the passive oaths which may be taken, and the active oaths which may not be taken, by the Roman Catholics of any heretical state; and has declared, that all oaths taken to the prejudice of the church are null and void.*

* See 16th Canon, 3d Council of Lateran. “Non enim

Nor, Sir, are these doctrines to be found in Italy alone; it is well known to the Honourable Baronet, and probably to many other members of this House, that in London also, and within the last eight and forty hours, distinctions of the same sort have been promulgated in the name and by the authority of a leading Prelate of the Roman Catholic church, and circulated throughout this metropolis.

As to the Regulations of the Clergy, and the restrictions of Foreign Intercourse, for the purpose of giving us some Domestic Security against foreign encroachments, (whether the Concessions now proposed, or any, or none, are to be granted), these, I think, are necessary matters for legislation; I have said so before, and I say so still.

Upon the modes of Nomination, I think the Commission, as originally proposed, was objectionable with reference to the Crown, as well as to the Roman Catholics. The present is less objectionable as to the Crown, but probably is not rendered more acceptable to the Roman Catholics: and I should have much preferred the mode of direct appointment by the Crown, as I understand, from the Honourable Baronet, it has

dicenda sunt Juramenta, sed potius Perjuria, quæ contra Utilitatem Ecclesiasticam et Sanctorum Patrum veniunt Instituta;” and Instructions to Subjects of the Holy See, signed Gabrielli, 12 May, 1808; and Circular Letter to the Cardinals, 30 Aug. 1809.—*Relation de ce qui est passé à Rome dans l’Envahissement du St. Siège*; Londres, 1812.

been practised already in Canada, and, as the Noble Lord informs us, has actually taken place within his own department, as to Malta.

But, Sir, upon this head I must particularly intreat the attention of the Committee, to the necessity of excluding the Regular clergy from all such situations. The Regular clergy, it is well known, over and above their imperfect Allegiance to their Temporal Sovereign, and their Allegiance also to the Sovereign Pontiff, owe also another Allegiance each to the General of his own Order.* The General of the order of the Jesuits is to-day in Russia, to-morrow he may be in France; the General of the Dominicans was in Spain, and is now I believe at Rome; and although Dr. Troy, now the titular archbishop of Dublin, is himself a Dominican, I confess I do not wish to see others of the same description in the same situations.

I think also, that to exercise the office of Apostolic Vicar within this realm, should be expressly prohibited. The Apostolic Vicars are the direct diplomatic Agents of the Papal See, governing ecclesiastically half a million of His Majesty's subjects in Great Britain. By their offices they are bound to execute the mandates

* The Superior of Stonyhurst in England, and Clongowes Wood (or Castle Brown) in Ireland, assisted at Rome in the election of the present General of the Jesuits.—See also *Dr. Doyle's Evidence before the Lords*, p. 389.

of the Pope, without the power of hesitation or deliberation; and these mandates, so delivered, the great majority of the English Roman Catholics have conceived themselves conscientiously bound to obey. This was the complaint loudly made by the English Roman Catholics in 1790; and it is for their protection, as well as for our own safety, that no such Office should be tolerated within the King's dominions.

The restriction of Foreign Intercourse, as originally provided for by the supplemental clauses of the Right Honourable Gentleman (Mr. Canning), did not appear to me to be in any degree effectual to its own ends. The mode now adopted is certainly a considerable improvement. But means are still left for withdrawing some branches of this intercourse from State inspection; and the reserve consists in whatever a Roman Catholic Prelate shall certify to be "personal and spiritual." Now this exception may endanger the whole effect of the provision; and here will always be found the ultimate difficulty of securing to the State all the knowledge which it ought to possess, of what may be otherwise concealed under this separate and secret Intercourse.

But, Sir, after all, let us not overrate the value of these guards and securities. Good they may be, as measures of state police, and desirable additions to our statute law, whether accompanied or not with any further concession. Let no man,

however, mistakenly accept them as that just equivalent for which he is to barter away the strength of our own Protestant Constitution.

Amongst the Roman Catholic population of the United Kingdom, their faith in the Papal Supremacy will continue fixed and unalterable. Their Prelates, however nominated, will still inculcate the same doctrine, and bow with the same implicit obedience to the Papal authority. And this Spiritual Jurisdiction, we have been distinctly told by the highest Roman Catholic authority in England, can be completely exercised, if necessary, by mere personal agency; utterly passing by all these ostensible Securities, and without the formal intervention of any written instrument or document, or any State control whatsoever.

This, Sir, is that Spiritual Supremacy of the Sovereign Pontiff, however exercised, (and let all Englishmen remember it,) which Lord Clarendon and Lord Somers as Statesmen, Mr. Locke as a political Philosopher, and King William as a Sovereign, all deemed to be incompatible with the Protestant Constitution of these realms. And this usurped dominion, although it may be now subdued and eclipsed for a time in France, has recently blazed forth in Spain, and we may be well assured never can be a harmless guest, much less a safe Co-estate, with the Government of any country under heaven.

Such is the outline of those considerations upon

which my vote will be founded, respecting each of the prominent parts of this Bill. I have thought it better to state them all at once, that the Committee may be spared the trouble of hearing me again at any length in its further progress. But I feel it incumbent upon me to repeat, that in my opinion, the great stand to be made for the preservation of our constitution in Church and State, must be, against the Admission of Roman Catholics to seats in Parliament; a concession which would virtually accomplish, and at no distant period, their admission into every other branch of Political Power; and an event which I dread, and deprecate, and shall think it my duty to resist to the uttermost.

I therefore beg leave now to move, that the words “to sit and vote in either House of Parliament,” in the first clause, be left out of this Bill.

And after a Debate thereupon, the question being put, “That these words do stand part of the Clause,” the Committee divided—Ayes to the right, 247; Noes to the left, 251; Majority, 4—and so the question passed in the Negative.

Resolved, That the Chairman do now leave the Chair.

III.

On the 21st of June, 1822.—Upon the motion made in the House of Lords by the Duke of Portland, for the second reading of the Bill, “To provide that Peers of the United Kingdom (being otherwise duly qualified) may exercise their right of sitting and voting in Parliament, without taking the Oaths and making the Declaration therein referred to,”—The Lord Colchester rose, and spoke as follows :

My Lords,

DIFFERING entirely from the Noble Duke upon the important measure which he has brought under our consideration, I am desirous of stating briefly to your Lordships, the grounds upon which I must endeavour to arrest its further progress.

If, indeed, this day were set apart for declaring the sense of Parliament upon the high and distinguished character of the Roman Catholic Peers of the United Kingdom, the illustrious exploits of their ancestors, or their own personal merits, I beg leave to assure your Lordships, with the most perfect sincerity, that there is no man living would concur more cheerfully or zealously than myself, in the expression or recognition of every sentiment which could redound to their praise and honour.

But, My Lords, it is impossible for me, upon

any such considerations, to concur in this Bill, which by express enactment, or direct consequence, delivers to His Majesty's Roman Catholic subjects at large, the keys of both Houses of Parliament; a measure studiously framed for obtaining, immediately and separately, the concession of a general principle in aid of the Roman Catholic claims, which concession may be afterwards brought to account, and turned to advantage, upon our future discussions; and this measure is represented to us now, as the mere repeal of certain laws of exclusion, as if they had resulted only from the crisis of an unfounded popular panic.*

This exclusion, however, if examined historically, will be found to have originated in the general spirit of our legislation, long antecedent to that period, commencing from the laws passed in the reign of Elizabeth,† against all Roman Catholic recusants indiscriminately, and continuing down to the period of the Test Act, and the practice of the House of Commons, to remove its own Roman Catholic members;‡ no Roman Catholic then sitting in either House of Parliament but by sufferance. The Exclusion established by the Act of Charles II,§ was after-

* The Popish Plot, 1678.

† Stat. Eliz. 23, 29, 35, 1581, 1593.

‡ *Strickland and Swale's cases*. Com. Journ. IX. 393, 501; 1676, 1678.

§ 30 Car. II. st. 2, 1678. And see the cases of 30 Car. II. st. 2, 1678. And see the cases of Sir *Henry Mounson*, sent for

wards substantially recognized and adopted at the Revolution, by the Prince of Orange's declaration from the Hague* requiring that Roman Catholics should be shut out from both Houses of Parliament—by the summoning of a Protestant Parliament—and by the Bill of Rights † enacted for the safety of “this Protestant kingdom” with a Protestant king. The like Exclusion was formally and specifically enacted as to Scotland, and incorporated in the very Act of Union, ‡ which requires, that the representative Peers and Commoners, and their Electors also, should all be Protestant. And this exclusion, after the interval of three reigns from that of Charles the Second, was again deliberately confirmed and applied to the whole of Great Britain, in the first year of the accession of the House of Hanover; § and again in the reign of George the Se-

by the House of Commons, who declining to take the Oaths, &c. is discharged from being a Member, and a new writ is ordered, 13th May, 1689. Com. Journ. X. p. 131. And the like case of the Lord *Viscount Fanshawe* on the same day, p. 131 and 188; also that of *John Archdall*, a *Quaker*, discharged for the like cause. Com. Journ. XII. 386, 388.—That of Francis Cholmely, committed for contempt in refusing to take the Oaths, 9 January, 1689. Com. Journ. X. 143, 328. So of *Lewis Pryse*, expelled for the like cause, 23d of March, 1715. Com. Journ. XVIII. p. 411 and 654.

* In M. Fagel's Letter to Mr. Stewart, 1687.

† 1 W. M. Sess. 2, c. 2, 1688.

‡ St. 5 Anne, c. 8, 1708.

§ 1 Geo. I. c. 13, § 16, 1714.

cond;* the last of these Statutes confirming all the former securities by express words, and declaring them to be in as full force, as if every clause and provision of the former Acts were therein inserted and reenacted.†

Such, My Lords, are the origin and spirit of our Policy; and such are the Laws now existing upon this important point. And we have been often counselled by the wisest of our ancestors, that Laws founded upon a general Principle, such as this distrust of political power in Roman Catholic hands, although originating in a particular danger which has itself ceased to exist, may nevertheless be rightly retained, as safeguards against all other sorts of danger which fall within

* 9 Geo. II. c. 26, § 6, 1736.

† By the English Constitution, as settled at the Revolution. First, *The Parliament must be Protestant*. The Lords and Commons are to take the Oaths of Allegiance and Supremacy, and subscribe the Declaration against Transubstantiation. Stat. 1 W. and M. c. 1; being the first Act passed at the Revolution. Secondly, *The King must be Protestant*. By his Coronation Oath He swears to maintain the *Protestant Reformed Religion* established by Law. Stat. 1. W. and M. c. 6. And He swears also upon his Accession to preserve inviolably the settlement of the *Protestant Church of Scotland*. Stat. 5. Anne, c. 8; 25th article of the Union with Scotland. The rules of which article shall be for ever held and adjudged to be observed as fundamental and essential conditions of the Union. Moreover by the Bill of Rights, 1 W. and M. Stat. 2, c. 2, § 9, 10. He must not only be himself Protestant, but *if He marry a Roman Catholic*, his People are absolved from their Allegiance, and his crown descends to his next Protestant heir.

the scope of the same Principle. But we are now told by the supporters of the present measure, that it is time to reverse our Policy, and to repeal all our former Laws upon this subject, and that the present bill is the first and fittest step to be taken towards so desirable an end.

Upon entering on this new course of Policy, and considering how far we can safely proceed in this plan of repeal, and as to what we may do, or may not do, in the way of Legislation, if we examine the ground before us step by step, we shall be enabled to judge more satisfactorily of the effect and bearings of the particular measure which we are desired this day to adopt. And in such a course, I have always thought that little should be done upon mere importunity, nothing upon menaces, (such as we have sometimes heard,) but every thing that we can do for the ease of our Roman Catholic fellow-subjects, so far as it can be done with safety to our own Establishment in Church and State; and so much, whatever be its amount, should, I think, be done freely and promptly upon its own fair grounds of justice and policy; and having done that, we should there, once for all, make our firm and final stand.

Of Civil Rights, I have always been of opinion, that the whole career of Honours and Emoluments should be laid open to the Roman Catholic Dissenters, as much as to the Protestant Dissenters from our National Church, short only of the Ruling powers of our Protestant church and go-

vernment. I rejoice therefore, in the wise exercise of Royal Favour, in recently calling forth Roman Catholics of the highest rank to aid in the highest ceremonial of the Royal state and dignity; and also in that signal mark of favour bestowed by the Sovereign, in his late visit to Ireland, upon the most eminent of his Irish Roman Catholic subjects. The Bar, the Army, and the Navy, are already open to them; and I see no reason whatever, against their admissibility to employment in all the services connected with the Revenue, in all its various branches. It may be also matter of fair consideration, to equalize the condition and privileges of all Roman Catholics throughout the United Kingdom, and to give to all (so far as may be possible) the same as are now enjoyed by any in any part of it. And I shall be glad to see this course proceed with no limitation to the favour and munificence of the Crown, or the liberality of Parliament, as to those offices, which (in the language of Mr. Burke*) are but instrumental in the executive administration of the State; reserving nevertheless, and carefully reserving, to the King's Protestant subjects, all those higher Offices which constitute its supreme Rule and government.

Of Religious Toleration, and security for the Worship peculiar to their mode of Faith, there cannot be too much granted; and we should remove every painful restriction that trenches upon their feelings, and adds nothing at the same time

* *Letter to Sir H. Langrishe, 1792.*

to our defence. Of this sort would be the more complete protection of their Worship from disturbance, if they need it; and the removal of that necessity which now compels them to celebrate their Marriages in our Church * from whose rites and tenets their faith is abhorrent; and such relief I have cause to know was in the contemplation of a lamented friend, once the First Minister of the Crown, whose life and power were unhappily and violently cut short by a premature fate.

But, My Lords, the Policy of our Protestant Government still requires the continuance of our other existing restrictions, upon all that concerns the ostentatious display of their Worship; we must have no Stately churches, no Processions in our streets, no Monastic establishments in our realm, such as Castle-Browne, and Ampleforth, and Stoneyhurst, with their Jesuit professors, priests, and missionaries; foundations erected in defiance of express law,† and whose proceedings loudly call on the Government and Parliament for public investigation. On this head also, in addition to the enactments of our present laws, we shall do well to bear in mind the plain policy and express provision of the famous Edict of Nantes,‡

* Marriage Act, 26 II. c. 33, excepts Jews and Quakers.

† Irish Stat. 9, W. III, c. 1, § 8;—8 Anne c. 3, § 30;—21, 22 Geo. III. c. 24, § 8;—and English Stat. 31 Geo. III. c. 32, § 11, and § 17.

‡ Edict of Nantes, article 15.—No Protestant worship in the army, “*si non aux quartiers des chefs qui en feront profession.*”

which forbids the Public exercise of any other than the dominant Religion in our fleets and armies ; a possible attempt, in the present growth of Roman Catholic pretensions, and which no man who values the safety of the State, can contemplate without just alarm.

With respect to the Clergy of the Church of Rome, as dissenters from our National Church, I think it is needless and unwise any longer to refuse the recognition of their existence as a body. Nor do I see, why the Sovereign may not in England, as he was rightly advised to do in Ireland, receive their petitions and addresses in that character, as well as those of the Protestant Dissenting Ministers (as they are called) of the Three denominations.

But here, My Lords, the necessity arises for new laws to regulate this Ecclesiastical body ; and the Sovereign and the State have a right to demand, that no Ecclesiastical authority shall be exercised in this realm, by aliens, nor by natives long expatriated, nor by students educated (as they now are) under Jesuit professors at Rome, nor by members professed of any Monastic order ; we should have no Archpriests, no Vicars Apostolic, the mere diplomatic agents and instruments of the court of Rome ; no Ecclesiastics should be recognized but those of Episcopal and Secular character, whose powers and duties are defined by the canon law, and those individuals to be subject to the approbation of the Crown.

Further, My Lords, the Policy of all Europe, in Protestant, and even in Roman Catholic States, requires that the Intercourse of their subjects with the See of Rome, be placed under the direct inspection and control of the Crown ; and the details of the necessary Regulations, as substantiated by the Report from a Committee of the other House of Parliament communicated to this House, are now the standing diplomatic code of every nation in Europe, except our own. We must re-cast the provisions of the Statute of Elizabeth ;* and this is a work indispensably necessary, whatever else is to be done, and independently of all other measures. For Lord Clarendon has long since truly told us,† that it is vain to legislate concerning the Roman Catholic Laity, unless you also bind their Clergy ; for they turn things Civil into things Spiritual at their pleasure ; and holding in servitude the conscience, they do therefore govern also the actions of the Laity.

Such Privileges as I have presumed to specify, and any others of the like degree, but under such limitations and regulations as I have suggested, may and ought, in my opinion, to be granted freely and promptly ; but no Political Power in the ruling offices of the State, no seats in the Supreme Courts of Justice, none in the Royal Coun-

* 13 Eliz. c. 2.

† Lord Clarendon. Discourse on Religion and Policy, p. 667, 679.

cils, none in our Houses of Parliament. Our Protestant Ascendency must be paramount, or we shall have in no long time a Roman Catholic Domination. Let us not deceive ourselves. These two claims to Power are utterly incompatible and irreconcilable.

The Principles of the Roman Catholic Religion are in direct hostility to the Reformed Religion ; and the basis of my refusal to admit Roman Catholics to the supreme offices of the State, is founded in my conviction of their sincerity in the Religion they profess.

If you ask for the Evidence of this hostility, it is prominent and undeniable ; not drawn from Transalpine authority, nor from Spanish bigotry, but from the highest authority in the Roman Catholic church of France, from the writings of the acknowledged champion of the Liberties of the Gallican church, the celebrated Bossuet, whose Exposition of the Roman Catholic doctrines is still the manual of the faithful ; and in his great work upon the Variations of the Protestant Reformers from the true Standard of Faith, we are told again and again :—

“ The exercise of the *power of the sword* in matters of religion and conscience, is a point not to be called in question. There is no illusion more dangerous than to make *Toleration* a characteristic of the true Church.*

* Bossuet Hist. des Variations. Livre x.

“ The Church of Rome is the *most intolerant* of all Christian sects.*

“ It is her holy and inflexible *incompatibility* which renders her severe, unconciliatory, and odious to all sects separated from her. They desire only to be *tolerated* by her ; but her holy severity *forbids such indulgence.*”

These doctrines, renewed as they have been in our own times by the Pontifical authority itself,† it is in vain for the Roman Catholic Laity to disclaim, unless their Clergy also, in whose hands their conscience is placed, shall now come forward and openly renounce this hostility.

We are told, I know, that our fears are nevertheless visionary, and the dangers we apprehend are unreal ; that we who oppose these claims to power miscalculate their strength, and misrepresent the spirit of the Roman Catholic church in the present times ;—that what once was hostile, is now changed and mitigated ;—that other States wisely adopt a more liberal policy ;—and finally, that whatever be the Principles of the Roman Catholics, their Numbers are too disproportionate to ours, in this House, to give us cause for alarm.

Upon each of these points, a few words may suffice. And first, as to the mitigated spirit of Hostility to our Church in modern times.

All who have visited the Continent of late years, will, I am sure, be forward to allow, that

* Hist. des Variations, Sixième Avertissement.

† Circular Letter of Pius VII, to the Cardinals, 5 Feb. 1808.

the dignified simplicity, and unaffected piety of the reigning Pontiff, and the courteous attentions of his ruling Ministers to foreigners of all nations, and of England more especially, do justly command our respect and grateful acknowledgement. But it is not upon such grounds that we must legislate concerning the defences of our Protestant Government. For history has recorded the circular mandates,* issued by the present Pontiff himself, when torn from his dominions, and carried into exile, by the brutal violence of France; mandates replete with the doctrines which we have most cause to dread; and history will not fail to record also, that, upon his restoration, he has re-peopled Italy with Monks of all orders, and revived the Jesuits, whom all Europe had proscribed; and has opened the way for a Jesuit confessor to stand once more by the throne of a monarch.† And amongst the latest proofs of the same unchangeable hostility to Protestants, as such, the Court of Rome has recently refused to protect from insult and destruction the Protestant Tombs which have been erected within the walls of Rome; and has refused this reasonable request to the joint solicitation of all the Protestants of Europe there resident, though strongly urged by the Diplomatic Representative of one great Protestant power,‡ and repeatedly pressed by the Pre-

* 5 Feb. 1808.

† King of Sardinia, 1822.

‡ The Envoy of Prussia.

sumptive Heir of another Protestant Sovereign, * an illustrious person, now no stranger to the habits and institutions of this country. †

But then, My Lords, we are next desired to withdraw our views from Transalpine or Trans-appennine Rome; not to look to the dark dogmas of the Vatican, or to the superstitious credulity of a people who could attest or believe in the modern Miracles of 1797 or 1811: ‡ we are desired to come forth and look upon the map of enlightened Europe, and take example from the more liberal policy of other States, which rule over a mixed population of different modes of faith.

Be it so. And what shall we find here? Roman Catholic Sovereigns, such as France, Austria, and Saxony (for Spain and Portugal are blotted out and of no value in such a question), ruling Protestant subjects; and Protestant Sovereigns,

* The Prince of Denmark, then in England.

† This refusal was communicated by the Prince of Denmark in 1821, through Lord Colchester, to the Protestants then residing in Rome. The Burial Place has been since surrounded by a wall.

‡ See “Miraculous Appearance of the Images of the Blessed Virgin opening their Eyes in various parts of the Roman State, between 9 July 1726 and January 1797,” 1 vol. 8vo. published at Rome, 1797, by D. Gio. Marchetti, Esaminatore Apostolico; with 962 Attestations, by persons of the highest rank and credit.

Also, the Miraculous *Extases* of Pope Pius VII, at Savona, in June, August, and September, 1811, engraved and circulated throughout Italy.

such as Prussia, Sweden, Denmark, and the Netherlands, ruling over Roman Catholic subjects.

Of these, the Roman Catholic Sovereign has nothing to fear, from the admission of Protestant subjects to Political Power; for the Protestant has no Foreign connexion, no proselyting spirit in his Religion, and he may be put down with the stroke of a pen.

The Protestant Sovereign has, in every instance, jealously bound his Roman Catholic subject from any unauthorized intercourse with Rome; and he can equally dismiss him, if troublesome, by the same short process.

There is amongst these no case parallel to ours. Arbitrary Governments and Limited Governments stand on a different footing, as to the Power and privileges which they can safely allow to the different classes of their subjects; and there exists no other country but this, where character, talents, and popular credit, can raise any subject instantly to that eminence which commands an entrance into the service of his sovereign, and gives him an effective share in the ruling councils of the State, for its preservation, or for its destruction, as the event may prove.

It is urged, in the last place, that the danger which we object to the present measure, must have reference to the Numbers of those whose pretensions, if admitted, are to create the danger.

This is undoubtedly true. But we must be

careful, not to lay what ought to be the durable foundations of our Legislation, upon shifting grounds. In Legislation, as in every other prudential and practical question, we should consider to-morrow as to-day. And it is amazing to me, that any persons of ordinary sagacity can fail to foresee, that the paucity of present Numbers affords no security against their future increase.

Any powerful Minister of the Crown, who advocates measures like the present, with a strong sense of the injustice which (according to his view) the existing families who constitute the Roman Catholic Gentry have long suffered, may, and ought, upon his own principles, to make them speedy and full compensation for their long intercepted honours. In the reign of Queen Anne, we have a precedent for a simultaneous addition to our Peerage of no considerable amount; and in proportion as the grievance is considered to have been long, heavy, and unjustifiable, such in proportion would naturally be the reparation. We might well look to have in our House a much larger importation than took place at that period; and successive Ministers, under the occasional difficulties which beset them, when the gates were set open, and the broad path paved, might and would enlarge the number without stint or limit.

By irresistible inference, what might be called equal justice should be done also with respect to the other House of Parliament. The Roman Catholic Elector must be allowed to elect Roman

Catholic Representatives for his county, whether in England or Ireland ; and I leave it to your Lordships' meditation, how soon, and by what courses, political ambition, coupled with or goaded by religious zeal, duly directed, might gradually appropriate to itself, by the wealth of ancient and opulent families, much also of that description of property which locally influences the return of other members to the Commons' House of Parliament. I verily believe that the current would set strongly and constantly in that direction, and the consequences are manifest.

And now, My Lords, to conclude these observations, with which I have already troubled your Lordships at too great length.

With my view of the present character and future consequences of this measure, by which a new form of party spirit will be introduced into both Houses of Parliament, directed always under all circumstances steadily and invariably to one and the same sole object, by which, polemics will be revived in our Universities, discord spread through our Municipal Corporations, the land peopled with more Jesuit establishments for the Education of our youth, and a restless proselyting Clergy, with all their missionaries, set at work throughout the country ;—and preferring as I do, the national character and habits of our country as they now prevail ; the sober piety of our Form of Worship, and the mild and tolerant spirit of the Church of England, rightly understood, I

must of necessity vote against the further progress of this Bill; and I shall therefore conclude, with proposing as an Amendment to the original motion,—

“ That instead of this Bill being *now* read a second time, it be read a second time on *this day six months*.”

After Debate, upon the Question put:—“ That this Bill be *now* read a second time, the House divided;”

Contents, 80, Proxies 49 —Total 129

Not Content, 97, ——— 74 ——— 171

Majority against the Bill, . 42.

IV.

On the 24th of May 1824.—The two following Bills stood for a Second Reading in the House of Lords:—

1st. “To repeal so much of an Act passed in the Seventh and Eighth Year of the Reign of King William the Third, as relates to the administering the Oath of Supremacy to Persons voting at the Election of Members of Parliament.”

2d. “For rendering His Majesty’s Roman Catholic Subjects in Great Britain, eligible to certain Civil Offices, and for enabling His Grace the present Duke of Norfolk, and his issue male, and his and their deputies, professing the Roman Catholic Religion, to exercise the Offices of Hereditary Earl Marshal of England, and Deputy Earl Marshal of England, without taking or subscribing the Oath of Supremacy, or the Declarations against Transubstantiation, Popery, and the Invocation of the Virgin Mary and the Saints, or taking the Sacrament of our Lord’s Supper.”

And upon the Motion of the Marquess of Lansdowne for the Second reading of the Bill first named, The Lord Colchester rose, and spoke as follows:—

MY LORDS,

Upon the two Bills which the Noble Marquess has this day brought under your consideration, and which, for the convenience of the House, he has explained and discussed conjointly, I am desirous to state, very briefly, my reasons for the Vote which I shall give.

We cannot but observe, that the course taken in this and a former year for bringing forward the Claims of His Majesty's Roman Catholic subjects to a larger share of Political consideration and Power, has been materially changed from that which was pursued at an earlier period of these discussions. It is no longer an endeavour to reach the highest objects of their ambition by one great effort; but having failed in that attempt, they now adopt the slower method of approach, beginning from the inferior steps, and ascending from thence to the more important and commanding situations; a course altogether more convenient indeed to both sides, so far as it places each Claim more distinctly in view, and shows better what it may possibly be safe to grant, and what it is most important to resist.

Upon the many occasions when this subject has been debated in either House of Parliament, I have repeatedly declared for my own part, that I should be at all times desirous of granting to the Roman Catholics a full admission to all situations of Emolument or Honour short of those which confer any Civil or Political power, authority, or jurisdiction in our Protestant State. And I am now prepared to show how far, according to the same principle, I can or cannot agree to the several measures proposed in these two Bills; in doing which I shall, however, take the liberty of inverting the order in which the Noble Marquess has treated the same topics.

In the first place, I should most readily concur in receiving any proposition for restoring to the illustrious House of Norfolk, the full exercise and enjoyment of their hereditary office of Earl Marshal; that office having long since lost its ancient powers, and retaining now no other attributes than those of dignity, rank, and honour. But, I think also, that such a measure, which is of an insulated and personal character, should be made the subject of a separate Bill for discussion, according to the ordinary course of Parliamentary proceedings.

With respect to the admission of Roman Catholics to employment in all services connected with the Public Revenue in its various branches, this evidently is a distinct consideration, and has no connexion whatever with the propositions which precede or follow it. But however much I might be disposed towards such a concession, it is impossible for me to make it now, and in this way, for this plain reason, that it would put the Roman Catholic Dissenters upon a better footing than the Protestant Dissenters; and both classes must therefore be left to the usual protection of an Annual Indemnity; for I am persuaded that neither this House nor the Country at large, are prepared as yet to enter upon a general repeal of the Test act.

As to the next question in the same Bill, the admission of the Roman Catholics into the Commission of the Peace; this opens an entirely new

field of argument, inasmuch as it asks for the possession of Judicial offices; and those who might feel less difficulty in conceding the two former points, must feel themselves obliged to reject the whole, when they come before us incorporated in a Bill which is to work so great a change in the composition and character of the Magistracy. And I cannot, according to my principle, agree to vote for this, or any Bill which shall enable Roman Catholics to take their seats upon the bench in our Courts of Justice, and administer the civil or criminal Jurisdictions of the Realm.

But, My Lords, whatever may be the fate of the Bill to which I have hitherto spoken, I must give the most unqualified opposition to the other Bill for granting the Elective Franchise to the Roman Catholics of England; a Bill, of which the sole and undisguised object is, to give Political Power, so far as it goes, and to serve as a stepping stone to more Political Power hereafter.

If this Bill pass into a law, our Parliamentary Elections will assume a new character. We shall see at many an election new scenes of strife beginning; and let those who help forward such a Bill, look well to the consequences. We shall see, not only the old and salutary conflict of Whig and Tory, and the partizans of the Minister of the day arrayed against his Opponents, but we shall see also the introduction and exasperation of Religious Animosities. Property of that pecu-

liar description which locally influences the return of Members to the Commons House of Parliament in so many parts of England, will be gradually brought up by Roman Catholic opulence under Ecclesiastical direction; and in places where the elective body is more numerous, the same Religious control will be practised more or less covertly in this country, which has been practised openly in Ireland, where Roman Catholic Priests have harangued their voters from the Altar, and led them on or sent them forward from the Chapel to the hustings.

And if such persons become the Electors, it is easy to foretell what will be the Parliamentary conduct of the Elected. For who can doubt but the Candidate who shall in any material degree owe his success to Roman Catholic constituents, will become an instrument of Political Power in their hands; and ever ready to co-operate in a compact body with others of like principles, in every balanced contest of parties, will throw his whole weight on that side which shall pledge itself to promote most effectually, their distinct, ulterior, and invariable object of Roman Catholic aggrandizement.

Now My Lords, if such are the probable or even the possible mischiefs of the measure, what is the motive or principle which should induce us to encounter the risk? The Principle of these Bills, so far as it may be collected from the preamble of one of these Bills, and from the

speech of the Noble Marquess on both, is, to equalize or assimilate the political condition of the English Roman Catholics with that of the Irish, and render it alike in both countries.

My Lords, to equalize is well, when it breaks not in upon higher principles ; and you may safely and usefully equalize or assimilate your forms and regulations of finance and commerce ; although what may be fit in Ireland is not therefore necessarily fit in England, where the very same measures may produce very different effects, when called into operation, under very different circumstances. But, My Lords, surrender not in this age of theoretic perfection, and for the sake of ideal analogies, surrender not to the professors of a Hostile Religion, the only sure and practical means of protecting your own.

And, after all, you cannot place Great Britain as to the Elective Franchise, upon the same footing with Ireland. To make even England like Ireland in this respect, you must begin by making England unlike Scotland, and destroy the uniformity which now prevails upon this point in both parts of the same Island ; for Scotland in her union with England, stipulated that her Electors and Elected should be Protestants, as yours then were ; and now you propose to leave her irrevocably bound, and to release yourselves from your own implied part of the same contract.

As to making the Elective Franchise in Eng-

land resemble that of Ireland, surely there is nothing in the present exercise of the Elective Franchise there, which can be an object of imitation! and it were rather to be desired that some reform were made in the Elective Franchise of Ireland itself, such as the Noble Marquess himself suggested in a luminous and able speech upon the state of Ireland, in a former Session of Parliament, when he openly and fairly avowed his opinion, that such a reform was indispensably necessary to the tranquillity and happiness of that country.

In order to cover and justify the whole of the measures now recommended to us, we are told, in the last place, that if we should accede to those propositions, there would be no mischief to apprehend, no danger to fear, no just ground of alarm; because the Numbers of Roman Catholics to whom the operation of these Bills would extend are so few.

But whether they be more or less numerous, (and there are, amongst the Right Reverend Prelates now present, those who know them to have increased rapidly in number, and still more in activity,) yet any assumed amount or proportion of their present numbers is a very shifting ground for a Statesman to stand upon, and wholly unfit for durable Legislation. The few of to-day may become the many to-morrow; and in no instance more probably than where talents, activity and

persuasion of all sorts, are set to work by one constant and mighty impulse.

My Lords, to deal fairly by the House, I profess, that my fears are less of the present or future Numbers of the Roman Catholics, than of the known and fixed Principles and Spirit of the Roman Catholic Church; and I hope I may speak without personal offence to any men, when I say that I fear them, because I respect their sincerity.

The Principles of the Church and Court of Rome are unchangeable; the same yesterday, to-day, and for ever; and I ask of your Lordships to take no long retrospect, but to look around you in your own times, and the compass of the last fifteen years may suffice to show you abundant proofs of the existing strength and operation of those principles.

Look, My Lords, to the public Letters and Briefs of the last Pontiff,* upon the invasion of his territory by the French, in the years 1808

* Principles professed by the Holy See from 1808 to 1820, extracted from the Circular Letters and Briefs of Pope Pius VII. Chiaramonte :—

1. That the Pope is the Vicegerent of God, who disposes of thrones, and is the Sovereign of Sovereigns.—*Letter addressed to the Foreign Ministers resident at Rome, and signed Cardinal Pacca, Nov. 30, 1808.*

2. That any State declaring itself independent of the church is in a state of Schism.—*Ibid.*

3. That the dependence of the Episcopal order on the See

and 1809; remember the Memorials distributed throughout England by a Vicar Apostolic and Roman Catholic Bishop of the midland district,

of Rome is necessary to the unity of the Church.—*Circular Letter, Feb. 5, 1808.*

4. That no Lay authority can translate from one Bishopric to another.—*Circular Letter from Savona, Dec. 2, 1810.*

5. That there is no hope of salvation out of the Church of Rome.—*Instructions to the subjects of the Holy See, signed Gabrielli, May 22, 1808.*

6. Protest by the Holy See against the public Toleration of other modes of Worship.—*Instructions, &c. ut supra, and Circular Letter to all the Cardinals, &c., Feb. 5, 1808.*

7. Power of the Pope to regulate Oaths of Allegiance, and to determine how far they may be taken passively or actively, provided they are never to be prejudicial to the Church.—*Instructions, ut supra, and Letter addressed to the Cardinals of the Papal territory, Aug. 30 1809.*

8. His condemnation of all Marriages with Heretics as matter of detestation and abhorrence.—*Circular Letter to the Cardinals, Archbishops, Bishops, and Capitular Vicars of France, dated Rome, Feb. 27, 1809.*

9. Power delegated to Archbishops and Bishops of France to grant Absolution, Indulgences, and give Dispensations or Marriage-licences in cases of Incest, or of Adultery, provided neither party has been instrumental in the death of the deceased husband.—*Indulgences, Feb. 27, 1809, signed Cardinal Michel di Pietro.*

10. Obligation to preserve and promote the establishment of Religious Orders, and their actual restoration.—*Circular Letter to the Cardinals, Feb. 5, 1808, and Papal Bull, Rome, Aug. 15, 1814.* Special Restoration of the Jesuits, in Russia, *Brief, March 7, 1801.*—In Sicily, *July 30, 1804.*—General Restoration, *Aug. 7, 1814.*—Conditionally in England. See *Letter of Cardinal Consalvi, April 18, 1820.*

Dr. Milner, in 1813;* read the publications of a Roman Catholic Bishop of Kildare, Dr. Doyle, recently dispersed throughout Ireland;† and more especially that extraordinary manifesto of sedition and insolence, published under the same name, within the course of the last week, in the daily prints of this metropolis;‡ all breathing the

* Extract from *Dr. Milner's Brief Memorial on the Roman Catholic Bill*, May 21, 1813. "As many Catholics in England have refused to take the oath appointed for them by the Act of 1791, in consequence of the terms in which the Succession clause is couched, from an idea that they themselves would be obliged to take up arms against the Sovereign in case he were to profess their religion, which nobody can believe they would do; the following change in the terms is humbly proposed, NOT 'to defend to the utmost of my power,' BUT 'to submit myself.'"

† "What fills, at the present day, these Islands and Germany with the most frantic opinions, but the want of authority sufficient to COERCE them."—*Dr. Doyle's Vindication of the Civil and Religious Principles of the Irish Catholics, &c. Dublin*, 1823. This is in the same spirit as the *Tractatus de Ecclesiâ Christi*. Published by Dr. Delahogue, for the Text-Book of Maynooth, Dublin, 1815. "*Ecclesia suam retinet Jurisdictionem in omnes Apostatas, Hæreticos, et Schismaticos: quamvis ad illius corpus non pertinent, quemadmodum Dux militiæ jus habet severiores poenas decernendi adversus militem transfugam qui ex albo militiæ fuisset erasus.*" p. 404.

‡ "The whole body of the Catholics are impatient; their pride and interests are wounded; disaffection must be working in them, if they be men born and nurtured in a free state; and yet enslaved."—"The Ministers of the Establishment, as it exists at present, are and will be detested by those who differ from them in Religion; and the more their residence is enforced, and their numbers multiplied, the more odious they will become."—"The Minister of England cannot look to the exertions of the Catholic

same unabated spirit of hostility against all who belong not to their own rule of faith.

On the Continent also, the same spirit has been stirring within these few months. Such have been the machinations of the Roman Catholic Clergy in the Netherlands, and their endeavours to set up a Foreign Supremacy in derogation of their local Allegiance, that two of their Societies, at Brussels and Utrecht, have been put down by royal edict, as dangerous to the public peace: and even in Roman Catholic France, since the accession of the present Pontiff, a pastoral letter of the Cardinal Archbishop of Toulouse has been issued from Rome, with the declared approbation of the Holy See,* which the king of France, by his Council of State, has deemed it his duty to suppress, for asserting Claims, Doctrines, and Pretensions, subversive of the rights and independence of his Throne.

My Lords, admonished by these proofs, which

Priesthood; they have been ill-treated.”—“If a rebellion were raging from Carrickfergus to Cape Clear, no sentence of Excommunication would ever be fulminated by a Catholic prelate.”—“The Catholics possessed of property, in Ireland, either cannot or will not render any efficient services to Government, if eventful times arrive.”—“From such men, the Government, should it persist in its present course, has only to expect defiance or open hostility.” *Letter to ——— Robertson, Esq. M.P. dated Carlou, May 13, 1824, signed James Doyle.*

* *Lettre Pastorale de S. E. Mons. Le Cardinal Archevêque de Toulouse et Narbonne, &c. Rome, le 15 Oct. 1823.*

rise up around us on all sides, and by these warnings of the ever intolerant and encroaching spirit of the Church of Rome, I am persuaded that we shall best discharge our duty, by persevering upon this as upon former occasions, in the same steady and firm refusal to lessen or weaken the Defences of our Protestant Constitution. That we have not been called upon this year by many petitions to withstand these claims, is perfectly true, but this silence may be justly ascribed to the conviction entertained by the country at large, that they may securely rely upon the unalterable adherence of this House, to its former decisions; and in that confidence I hope they will not this day be disappointed.

I shall therefore have the honour to propose an amendment to the Motion of the Noble Marquess, by moving,—That these Bills be read a second time, not *now*, but on *this day six months*.

After Debate, upon the Question put—"That this Bill be *now* read a second time,"—the House divided;

Contents 63.—Proxies 38.—Total 101.

Not Contents 74. — 65. — 139.

Majority against the Bill 38.

And upon the like Question as to the other Bill:—

Contents 67.—Proxies 42.—Total 109.

Not Contents 76. — 67. — 143.

Majority against the Bill 34.

V.

On May 17, 1825.—Upon the Motion made in the House of Lords, by the Earl of Donoughmore, for the Second Reading of the Bill “To provide for the removal of the Disqualifications under which His Majesty’s Roman Catholic subjects now labour,” The Lord Colchester rose, and spoke as follows:—

MY LORDS,

MY view of this important Measure is so different from that of the Noble Earl who has opened this debate, that, although he has abstained from offering any arguments in support of his Motion, I am, nevertheless, desirous of taking the earliest opportunity of stating the particular grounds of my opposition to it.

It is true, that the circumstances under which we have to enter upon this discussion are, in some degree, novel; but the original ground and character of the Measure itself remain unaltered.

Of those occurrences which are new, the first and most prominent has been the systematic intimidation with which the Roman Catholic demands were prepared in Ireland before the commencement of the present Session by the Roman Catholic Association in Dublin; but that manufactory of sedition and possible insurrection has

been put down by the wisdom and firmness of Parliament. Another new occurrence is, the extraordinary tranquillity which at present pervades the whole of Ireland; but this very tranquillity is not less alarming than the disturbances which preceded it, if it should appear, that both have been produced and maintained alike by an authority which the State does not acknowledge, and over which it has no control. And another new occurrence is, the Parliamentary Inquiry in which both Houses have been so deeply engaged respecting the general state of Ireland and its grievances; but the result of that inquiry, so far as it has proceeded, however important and beneficial in many points of view, has by no means removed the fundamental objections to the present measure; and the flood of Petitions which has poured in upon us, plainly proves that such a measure is adverse to the general feelings of the nation.

Throughout the last twenty years, we, who are opposed to the Roman Catholic Claims, have nevertheless, shown at the same time a perfect readiness to admit our Roman Catholic fellow-subjects to a full participation in all the Employments, Emoluments and Honours of our common country, short of Political Power; but that Concession we have always resisted: and after all we have yet heard, and all that we have yet seen, I say that we must resist it again to-day; and here make our determined stand.

To demonstrate this necessity, it will be sufficient for us to consider,—What is the present Position which the Roman Catholics occupy ;—What are the further Privileges which they demand ;—What are the Dangers which must result from conceding those demands ;—And what are the Means which such concessions would place in their hands for the destruction of our Protestant Constitution in Church and State.

In their present Position, the Roman Catholics have the full protection of the law for the free and unrestricted exercise of their Religion ; and if they require more complete protection, as has been surmised, they have only to point out the defect, and Parliament has shown no unwillingness to afford such redress.*

In the possession of Property, they are as free and secure as any other subjects of the British Empire, notwithstanding all their tragic declamations against penal laws respecting property, which have been repealed for more than half a century : or again ; if it can be shown that they are not so secure as the ends of Justice require, with regard to the registering of Oaths, or any such requisites, they ought to be made secure, and have their titles quieted.†

* See *O'Connell's Evidence before Committee of House of Commons*, 1825, p. 112.—For extending the English Act respecting Places of Worship, (31 Geo. 3.) to Ireland.

† See as to Marriage Laws, *O'Connell's Evidence*, ut supra, p. 113, and as to Registration of Oaths, *ibid.* p. 109—111.

As to Civil Employments, they have already free admission into all the various departments of the Revenue ; and at the Bar, there is no impediment whatever to prevent their obtaining, by patent, that Precedency of rank to which their relative pretensions may entitle them, for their own emolument, the convenience of their competitors, or the benefit of their clients.

The Army and Navy have been long since thrown open to them, with the whole career of military service and honours.

But what they ask now, and ask of your Lordships this day, is to open for them a broad and direct path to Political Power ; first, by admission to the two Houses of Parliament ; secondly, to all the high Judicial Offices, the highest alone excepted ; and thirdly, to the Privy Council of the Sovereign, which in other terms designates all the ruling powers of the State at home and abroad ; the whole domestic government, the Lord Lieutenancy of Ireland alone accepted ; and all the Governments whatever throughout all the foreign possessions of the Empire : And to all these high Offices and Privileges, they demand of us at once by this Bill, without any of the pretended Securities contained in their former Bills, an entire, complete, and unconditional, admission. Truly My Lords we may say of those who approach us,

“ Hi ad nos gladiatorio animo affectant viam.”

Against these pretensions, they challenge us to show what are the Dangers of such concessions, and how the existence of any such danger can be established by proof. We answer that the Danger is manifest, and the Proofs abundant, and the amount of the danger in no degree abated by any of the Projects hitherto devised for that purpose.

The Danger is itself nothing less than what their own leaders proclaim; it is the plain drift and end of all their language and endeavours; and if they do not so intend, they would not be zealous and sincere Roman Catholics; namely, to begin with the destruction of our Church Property and its Endowed Establishment. Equality of rights they cry, but their ultimate object and end is, and ever was, Domination.* And nothing less can result in the present case, whatever they may profess to begin with, than the gradual re-establishment

* See the *Creed of P. Pius IV.* acknowledging the standard Rule of Faith, (*Dr. Doyle's Evidence before the Lords*, p. 394.) which concludes thus: "Hanc veram Catholicam Fidem, extrà quam Nemo salvus esse potest, &c, à meis Subditis, vel illis quorum cum ad me in meo munere spectabit teneri, doceri et prædicari, quantum in me erit curaturum, Ego idem spondeo, voveo, ac juro."—See also *Bossuet's advice to James II.* 22 May 1693, that he should agree to the Declarations which his Protestant subjects required of him when at St. Germain's, as a preliminary for his recall to the Throne of England,—however objectionable to his Roman Catholic subjects those Declarations might be in other respects, yet expedient as tending to facilitate the ultimate accomplish-

of their own Church in Ireland ; practically destroying that fundamental Article of the Union, which has established one Protestant Episcopal Church for England and Ireland ; and finally dissolving in both countries the whole connexion of a Protestant Church and State, which forms an essential principle of the British Constitution.

The Proofs of this spirit are abundant. Other persons more learned may draw them from other times;* but I shall be content to take those chiefly of a later date, and such as are open to the observation of us all. Proofs of Roman Catholic Hostility to our Established Church and its Clergy, of their imperfect Allegiance to the State, and of their Intolerance to all, even to those who now blindly concur in supporting them.

Mark the language of their Leaders, Ecclesiastical and Political. The boldest and most promi-

ment of their hopes : “ *ce qui leur peut faire vraisemblablement espérer, sinon d’abord, du moins dans la suite, l’entier rétablissement de l’Eglise et de la Foy.*”—See *Oeuvres de Bossuet*, vol. 43, 8vo. edit. Versailles, 1819.—And *Memoirs of the Life of James II.* published from the Original Manuscript, by Dr. Clarke, vol. ii. p. 509.

* Upon Papal Supremacy—See *Letters of Dr. Phillpotts* Dean of Chester, published 1825, upon the Answers of the *Six Universities* to Mr. Pitt’s Question.—*Blanco White’s Letters* on Catholicism, Letter II. published 1825.—*Burnett’s Evidence* before the Lords, 1825, p. 309 ; and *Phelan’s Evidence*, *ibid.* p. 924.

nent of their Churchmen, whose learning, talents and views are all equally remarkable, I mean Dr. Doyle, the titular Bishop of Kildare, in a publication addressed last year to the Lord Lieutenant of Ireland, and adopted by the Leaders of the late Roman Catholic Association as the full Vindication and true statement of their principles, expressly denies the justice of those Laws by which the Established Church of Ireland holds its property,* an opinion which he has again maintained in his Evidence on oath : all this, if not to be blamed in him, is not very encouraging to us.

In the same spirit, the same Ecclesiastical authority, and adopted again by the same Roman Catholic Association, in a publication, dated Carlow, 13th May last year, expressly declares, that the “ Ministers of the establishment as it exists at present, are and will be *detested* by those who differ from them in religion.” See, my Lords, how long this detestation is to endure ; and he adds, “ the more their residence is enforced and their numbers multiplied, the more *odious* they will become.”†

* See “ *Vindication*,” &c. p. 38. “ Proceedings of Irish Roman Catholic Association,” 8vo. p. 63—69 ; and *Dr. Doyle’s Evidence* before the Commons, p. 216 ; and before the Lords, p. 376.

† See Letter to — Robertson, Esq. M. P. signed *James Doyle*, dated Carlow, 13th May, 1824. See also, Proceedings of Irish Roman Catholic Association, p. 345, and 393.

So much for their disclaimer of Hostility to the Established Church and its Clergy.

Upon the question of Allegiance,—and let it always be remembered that this Bill extends equally to Great Britain and Ireland,—observe first, That the King's Protestant Subject swears, that he will disclose all traitorous conspiracies whatever, which shall come to his knowledge; the Roman Catholic Priest excepts out of that disclosure all that knowledge, probably the most important to the State, which comes to him by Confession;* and the Roman Catholic Bishop takes an express oath that he will not disclose the counsels of his Foreign Sovereign to any man; “*Consilium Domini Papæ nemini pandam;*”† showing the plain traces of a Foreign jurisdiction in Spirituals producing Temporal effects.

In the next place, consider well how the English Roman Catholics deal with the Oath of Abjuration, and how the Irish treat it, as to the Protestant Succession. Doctor Milner, Vicar Apostolic of the Holy See, for the midland district of England, in the year 1813, put forth a

* That the Pontifical Oath and the Secrecy to be observed upon Auricular Confessions are inconsistent with the Oath of Allegiance, see *Archbishop Magee's Evidence* before the Lords, p. 688—694. And how far they affect the administration of Justice, see *O'Sullivan's Evidence*, *ibid.* p. 929, 930. *Dr. Doyle's*, *ibid.* 395—499.

† See the Bishop's Oath, *Lords Report*, 412, and Priest's Oath, *ibid.* 913.

publication against the Oath proposed by the Bill of that date, and asserted, that “no conscientious Roman Catholic could swear to do more than *submit* to the Protestant Succession of the crown, but *could not swear to maintain, support, and defend it.*” Doctor Doyle, the organ of the Roman Catholic Church in Ireland, and the adopted Champion of the Roman Catholic Laity, denies this distinction, and pledges himself and his Church to an active allegiance. Are we then to have one Oath of allegiance for Ireland, and another for England? Or rather, to measure them in both cases, by the rule laid down long ago, and again by Pope Pius VII. so late as 1809, “that no Oaths are binding in such cases, if taken to the prejudice of the Church and Religion.” But Doctor Doyle does not leave us finally in doubt; for in the same publication, from Carlow, approved by the same Roman Catholic Association, he puts the supposed case of a Rebellion in Ireland; which we find by his evidence is a just cause for Excommunication;* and yet he tells us, that “if a Rebellion were raging from Carrickfergus to Cape Clear, no Sentence of Excommunication would ever be fulminated by a Roman Catholic Prelate.”

So much for the perfect Allegiance, and the active Loyalty of the Roman Catholic church to a Protestant government, for conscience sake.

* See Dr. DoYLES's Evidence before the Lords, p. 506.

And as to the unalterable spirit of Intolerance of the Roman Catholic Church towards all others; the highest authority in that Church, and acknowledged by them to be such at this day,* Bossuet, the celebrated Bishop of Meaux, has declared, that “The Church of Rome is the most Intolerant of all Christian sects. It is her holy and Inflexible Incompatibility which renders her severe, unconciliatory, and odious to all sects separated from her. They desire to be tolerated by her; but her holy severity forbids such indulgence. The exercise of the *Power of the Sword*, in matters of Religion and Conscience, is not to be questioned.”† What that Sword means, is exemplified in the famous Revocation of the Edict of Nantes; and his illustration of it may be read amongst those splendid models of modern eloquence, in one of his *Oraisons Funébres*, where he praises Louis XIV. for his piety in commanding that persecution, and praises upon the same score also the Chancellor of France, Le Tellier, by whom that Ordinance was sealed and carried into full effect, for the *extermination of heretics*.

In the same never-changing spirit, the late Pope, so recently as 1808, proclaimed to all Europe, that the See of Rome refused Toleration

* See *Dr. Murray's Evidence* before the Lords, p. 429.

† See *Bossuet Hist. des Variations* Sixième Avertissement, and Livre X. And his *Oraison Funébre* on The Chancellor Le Tellier.

to other modes of worship; the Belgian Bishops remonstrated against all Toleration in 1815;* the same spirit also has restored the Order of Jesuits, and re-established the Inquisition; and the present aspect of Religious Affairs in France cannot but increase our alarms.

So much for the unchanged, and unchangeable Intolerance of the Church of Rome, wherever she can extend her Empire.

My Lords, to obviate and reduce the amount of these Dangers, I am well aware that several collateral Arrangements have been proposed; and with respect to Ireland, a Project for what is called a State Provision for the Roman Catholic Clergy, which it is suggested may help to disconnect the Roman Catholic Clergy from their flocks, endowing each parish and diocese with some fixed stipend for the Incumbent; a sort of Regium Donum, settled by law, in consideration of which, we are to incorporate the Roman Catholic Laity with ourselves, and render them our harmless Associates in the ruling Powers of a Protestant State.

To-day is not the time for arguing the details of such a question; no such Bill has yet reached us; nor does it appear that any Minister of the Crown has declared himself to have received the King's commands to recommend any Grant for such a purpose. But as this

* See Remonstrance of the *Belgian Bishops* to the King of the Netherlands, 28 July 1815.

possible project has been used as an auxiliary argument for supporting Roman Catholic Emancipation, as it is called, I must take leave to say thus much upon it.

I object to it *per se*, as erecting an Endowed and Perpetual Roman Catholic church within this Realm; a thing unheard of since the days of the Reformation.

And I object to it, that it will increase the power of the Hierarchy, and also the mischievous influence of the Priests over their flocks; for they are to have the money of the State given to them in one hand, and with the other they are to take also from their flock a portion of their present fees, which fees, their Clergy tell you, they would not give up; and which they tell you, moreover, “it is incompetent to your Legislature to prohibit them from taking.” *

Another collateral measure, is the Domestic Nomination of the Roman Catholic Bishops, which this very Bill seeks to establish, a Nomination by their Deans and Chapters; for though some of your Lordships may not be apprized of it, they have the ready-made frame of an established Roman Catholic church in Ireland, in full array and full force for the first favourable opportunity of dispossessing their Protestant rivals. Their Bishops are to be named by their respective Deans and Chapters; unless, indeed, the Pope should choose to exercise his own right of appointment; for the highest authority amongst

* See *Dr. Doyle's Evidence* before the Commons, p. 180, 184.

them allows, that the Pope may appoint them even at this day, and may even appoint an Alien, if he so please. But be they named by whom they may, they are to be nominated at all events, without allowing to the King of this country any control, direct or indirect, in their appointment ; * a power, more or less enjoyed by every other Non-Catholic Sovereign in Europe. Nor will they allow to the King of this Country, even with the consent of the Pope himself, that very control, which the same Sovereign does exercise as King of Hanover, over his Roman Catholic subjects in Germany.

This very Bill also provides a Commissioner or Commissioners for regulating the Intercourse of His Majesty's subjects with the See of Rome ; under the pretext of a Security against the exercise of foreign jurisdiction. But it excludes the King from having any control whatever by the intervention of any Protestant Servant of the Crown, over the publication of any Papal Bulls, Rescripts, or Pastoral Letters ; even though, like that of the present Pontiff, published by the Irish Roman Catholic Prelates last year, they should threaten us with Foreign Interference, bidding the King's Roman Catholic subjects take courage, and expect the aid of Temporal princes. †

Such, My Lords, is the Conciliatory disposition

* See *Dr. Doyle's Evidence* before the Lords, p. 366.

† See Encyclical Letter of Leo XII. 1824 ; and *Dr. Murray's Evidence* before the Lords, p. 429.

of the Roman Catholic Church in Ireland; and such are the boasted means by which all jarring interests are to be reconciled, and all the danger of their hostility is to be neutralized.

Now, as to England separately, in what spirit the same ambitious views are entertained and acted upon at this day, Your Lordships may perhaps hear from some of the Right Reverend Prelates now present, under whose immediate observation these views have been announced in language which cannot be misunderstood. And all of us may have seen the same in the mischievous publication entitled, *An Address from the Roman Catholics of Ireland, to the Roman Catholics of England*, now circulating through the heart of this country, pointing out our Abbeys, Cathedrals, and Churches, as the possessions which once belonged to their Roman Catholic Ancestors, but wrongfully wrested from them by those who departed from the ancient faith, and bidding them turn their eyes to Foreign Arms for their future deliverance. *

My Lords, add to these reflections, what should never be forgotten, that the Hierarchy of the Roman Catholic Church, both in England and Ireland, holds an alliance of no mean importance with all the *Monastic Orders*, which have settled amongst us; a worse than useless burthen upon the impoverished population of Ireland, unless we

* See this Address at length, in the Evidence before the Lords, p. 752.

are to pension them also, as has been surmised. Each of these Orders, it has been stated in evidence to your Lordships, maintains a constant intercourse with its own separate College at Rome; and besides those of older date in Ireland, others of more recent arrival are now spreading over England. And, strange to say, Institutions which the policy of Roman Catholic States excludes as noxious even in Roman Catholic countries,—and mainly, that learned, but powerful and dangerous society, the *Jesuits*—are now suffered to take root in this Realm, and hold large possessions and ostentatious Establishments of modern date, without law, and against law. It has been proposed, indeed, to pass Laws which may allow such Institutions to be endowed and perpetuated, if not already legal. But I say, my Lords, rather remove them all out of the land; excepting such only as may afford an optional and free place of refuge to aged and helpless women, as charitable homes for those who may have no other.*

My Lords, I have now stated to your Lordships the extent of Power which the Roman Catholics seek to obtain by this Bill. I have stated also the Danger of allowing them to possess that power, from the unchangeable nature of their principles in hostility to the Established

* See Returns of *Monastic Establishments in Ireland*, by Roman Catholic Archbishops for the Provinces of Armagh, Dublin, Cashel and Tuam, in the Appendix to the *Lords Report of Evidence* 1825, p. 975, 983.

Religion of this kingdom ; and that the mischievous operation of such principles will, in no degree, be counteracted by the grant of a perpetual endowment of their Priesthood, out of the public purse, or by any other of their collateral Arrangements.

But it remains for me to answer those who tell us that our fears are visionary ; that whatever may be the hostile Disposition, the Means are wanting to give it effect. That we should imitate the policy of other States, which, with perfect safety to themselves, allow equal Political Power to all religious denominations of their subjects ; and that, if we look at home, no Means exist by which any mischief to the State could be accomplished ; because the mere Eligibility, the Admissibility, the Capacity, to attain Political Power, will not give them the Power itself, in a country like ours, where the Roman Catholics are so far outnumbered by their Protestant fellow-subjects, both in and out of Parliament. This difference, however, between the Admissibility to Political Power, and the Possession of it, will be found at last to be but a shadowy distinction, and indeed an actual fraud, if it is really meant to withhold in Practice, what it professes to give in Theory.

Upon each of these points, a few words may suffice. Let us come closer to the cases stated, and examine how such measures do, or must work.

With respect to the Policy of those Nations which comprise a mixed population, holding different modes of Faith, when we are told that All but ours, or that Any, have under like circumstances imparted equal Civil rights and privileges to every description of their subjects, I answer, that there is No case parallel or similar to our own.

Despotic Sovereigns, whether Roman Catholic or Protestant, can displace at their will any Minister of the Crown, whose views or measures appear to be inconsistent with the fundamental institutions of their empire; and they may therefore, upon that tenure, safely employ them all indifferently. But no example exists in this or in any other country, of this equal participation of rights, certainly none sanctioned by any length of historical experience, where a Popular and Representative form of government has been established like ours, in which (as we all know to have happened in other times and in other reigns) any Individual of high character and distinguished talents, sustained by popular favour, may, I will not say, “force,” but “command,” for himself an entrance into the Councils of his Sovereign, and take into his hands the chief direction of that State.

And where the Ruling Powers of the State may be thus aspired to by all, and attained to by any, it is vitally important to the Safety of such a State, that none should be admitted to the possibility of wielding such Power, whose Principles

are necessarily and essentially hostile to those fundamental Institutions of the country, which it is his sacred duty to uphold.

As to the Means of accomplishing any great internal change in our constitution, in a country like ours, I believe it will be found that the Capacity of exercising political power will soon acquire also the Power itself, and at no great distance of time, if steadily pursued, whatever be the present disparity of Numbers; and you should not count for nothing even the intermediate mischief of such a Conflict.

If a Minister should arise, not even himself a Roman Catholic, but one who favours their pretensions, or who stands in need of their support, after this Bill shall have passed, the road is short, so far as concerns the Peerage; and a simple Gazette may, as it has done for other purposes, and in other times, turn the scale of parties in this House, and introduce amongst us persons of the highest honour and highest respectability, but at the same time most decidedly hostile to our Church Establishment.*

In the other House of Parliament, besides the large and immediate admission of Roman Catho-

* There is an *Official Letter of the late Pope Pius VII.* to the Roman Catholic Bishops of Ireland, in the year 1816, in which he expressly mentions it as his expectation that *Emancipation will include the Restoration of the Roman Catholic Bishops to the House of Lords.*—See Phelan's Evidence before the Commons, p. 483-4, and before the Lords, p. 922.

lic members, that Number will most certainly grow with that Parliamentary Influence over elections, which their growing property and the urgent persuasion of their Clergy will naturally incline them, and enable them to increase. And he knows little of the practice of Parliaments, or of public life, who does not foresee, that in every conflict of Parties, such a body of men acting uniformly together, will be courted on both sides, and their particular interests will be advanced by all in their turn. No man will say, that if this Bill were to pass to-day, these consequences would take place to-morrow; but every body must agree, that the same Persons and Principles, if let in to-day, will open the way for all the rest within that very short period of time which may be accounted as “immediate” in the history of nations.

My Lords, to prevent the Dangers to arise from letting them in, the best of all Securities is to keep them out. But you must be prepared, if you do let them in, to alter at once the Coronation Oath, a project which has been already started elsewhere, and recommended. You must proceed also to repeal the Corporation and Test Acts, and also to lay open the highest offices of the State to Roman Catholics and Non-conformists of every description; and such a termination of the British constitution, few of us, I believe, would desire to behold.

If, then, these claims of Emancipation, as it

is called, are to be for ever refused, is there no ray of Hope left for misgoverned Ireland? Yes, much Hope; and, if we are not remiss in our duty, immediate Hope; but, as I think, the Emancipation must be of a very different sort.

The Emancipation most necessary for the people of Ireland, is an Emancipation from Ignorance, from that Poverty which proceeds from want of Employment; and truth compels me to say also, from that domestic Oppression and Misery under which the peasantry is in too many instances suffering, from the excessive underletting and subdivision of the landed property; and this Emancipation it is the duty of a paternal Government and a protecting Parliament to provide.

The evils, of Ireland, it is evident, spring mainly from the state and habits of the Population. Enable the Labourer to derive profit from his Industry, be it manufacturing or agricultural, and the Labourer who can by his industry gain something of his own worth saving, will be slow to risk it in outrage and rebellion. And it cannot be too often repeated, that all the evidence concurs in ascribing the origin* at least, of those outrages, which frighten away British Capital and British Enterprize, not to Religious Differences, however much artful and designing men may have brought them forward to inflame the people, but to some specific and local grievance

* See particularly O'Sullivan's Evidence before Committee of House of Commons, 1825, p. 457; and Lords, p. 935.

in respect of Property and the distressed state of the occupiers and tenants of the soil. And in confirmation of this, it is to be remarked, that in the Northern parts of Ireland, where the Roman Catholics and Protestants are most nearly balanced,* and where such conflict might be more looked for, if originating in religious feelings, such outrages prevail much less; because no such grievances affecting property exist, or at least not in an equal degree.

To remedy evils of this magnitude, Laws may do much; but much also lies beyond the reach of Law, and must be managed by measures of slower growth.

By Laws you may regulate and place on a better footing the relations of Landlord and Tenant; by Laws you may provide some resource and refuge for those amongst the Poor who are disabled from work by age or infirmity; by Laws you may more effectually repress Vagrancy and Mendicity; by Laws you may reform the modes of executing the process of Courts of Justice by their subordinate officers; and by Laws you should root out those habits of perjury and servility which disgrace alike the upper and the lower ranks of life, by suppressing the present fraudulent description of 40s. Freeholders; and this last great evil is in my view a matter wholly

* See Appendix to Evidence before Lords, p. 974, as to Irish Roman Catholic and Protestant Population.

separate and distinct from the Concession of Political Power, whatever be the fate of those Claims.

What Laws cannot do must be accomplished chiefly by spreading an improved system of sound, sober and useful Education everywhere; instructing the poorer classes in just principles of Religion and Morality, and such as may fit them, not to become the passive instruments of bigotry and tyranny, but such as may render them the virtuous, enlightened and active subjects of a free Government; and such a System we have yet to look for in the labours of those Commissioners whose Reports are not yet completed.

These, My Lords, are amongst the Blessings which you may yet bestow upon Ireland, and which her condition imperiously demands at your hands. But none of these you could effect whilst that Rival Parliament existed which your wisdom and firmness have resolved to put down; nor can any such Blessings be hoped for hereafter, if that monstrous and portentous Power should again lift up its head; and I speak it with sorrow, but with a well-grounded belief, when I state, that even now that Power is not dead, but sleepeth.

My Lords, to close the whole of these remarks, with which I have too long trespassed upon your attention, I would say, upon a Bill of this importance, which embraces the whole of the United Kingdom, and is not confined to

Ireland alone ; which embraces England, although we have had no information whatever before us respecting her Roman Catholic Ecclesiastical Authorities or Establishments ; which embraces Scotland, although such a Bill cannot touch it without violating the Act of Union ; I would say,—Surrender not your actual and known state and condition, for prospective, contingent, untried and unknown advantages ;—Discontent not the large majority of the Protestants of the United Kingdom, to gratify the less numerous body of Roman Catholics ;—and Yield not to intimidation, past or to come ; For you must not think that those whose Declarations have been all but Insurrectionary within the last few months, have changed their Purpose because they have changed their language ; but act upon the wise exhortation of the Noble Earl at the head of His Majesty's government,* which he pressed upon your consideration four years ago, when a measure of the like sort was before you, namely, “ to remove no landmarks, but to keep all bodies of His Majesty's Subjects in their proper places, as they now stand.”

Let this House, My Lords, adhering to the wisdom of its former decision, and seeing how nearly the opinions of the Other House of Parliament are balanced, firmly resolve to keep the settled Constitution of the country upon its existing basis ; and declare once more, by its deci-

* The Earl of Liverpool.

sion this night, that it refuses, as I hope and trust it ever will refuse, to grant to His Majesty's Roman Catholic subjects any Further Political Power.

Therefore, My Lords, I shall beg leave to move an Amendment to the original motion, by leaving out the word "now," for the purpose of adding the words "this day six months."

After Debate,—upon the Question put, "That this Bill be now read a second time," the House divided;—

Content,	84;	Proxies,	46.	Total	130
Not Content,	113;	—	65.	—	178
Majority against the Bill,					48

VI.

On the 10th of June, 1828.—Upon the Motion made by the Marquess of Lansdowne, to concur in the Resolution of The House of Commons, “ That it is Expedient to consider the State of the Laws affecting His Majesty’s Roman Catholic Subjects in Great Britain and Ireland, with a view to such a final and conciliatory Adjustment as may be conducive to the Peace and Strength of the United Kingdom, to the Stability of the Protestant Establishment, and to the general Satisfaction and Concord of all Classes of His Majesty’s Subjects,” The Lord Colchester rose, and spoke as follows :—

MY LORDS,

ALTHOUGH this important subject has frequently undergone discussion in Parliament during the last twenty years, and although the progress of the present debate has not produced much new matter either of fact, or of argument, nevertheless, in deference to the Opinion of the House of Commons, expressed in a Resolution formally communicated to us, I am desirous of stating briefly and plainly the reasons which oblige me to refuse my consent to the present Motion.

The Form of proceeding by which this Question has been introduced to our notice has indeed a character of Novelty ; but I think that even this

merit cannot contribute much to its success. Year after year, specific and detailed Measures have been presented to us, with Securities, and without Securities, and of every various kind which would be thought likely to facilitate their favourable reception; and because all these have successively failed, it seems now to be thought, by a singular process of reasoning, that this House may consistently adopt this measure as a whole, of which it had hitherto rejected every assignable Part.

The substantial purpose of this Resolution, to which our Concurrence is desired, under whatever aspect it may be exhibited, is to make a great and essential change in our Constitution; and, in a Protestant State, to give equal Political Powers to the professors of another form of Religion, who are bound in conscience and duty to endeavour to destroy our own. And if to preserve the Religious peace of the country be a State concern, as it unquestionably is, that object surely cannot be attained by putting equal arms into the hands of the Defenders of its established Constitution, and also of its Assailants.

Of such a change, however, as that which is now contemplated, let us examine more distinctly, and by the standard of Political Expediency, what are the probabilities of advantage which it holds out to the Protestant portion of the United Kingdom; what would be its advantage specially to Ireland; and what benefits would

be derived from adopting the policy of Foreign States placed in a similar situation.

To the Protestant portion of the United Kingdom, how can such a change be beneficial or even indifferent? Is it to the Established Church? Is it to the Protestant Dissenters?

Can those of the Established Church desire to see a Rival Hierarchy introduced with equal authority, and exercising a legalized jurisdiction over the different classes of inhabitants in each diocese? or to see a new principle of religious difference introduced into every Corporate Election? or to introduce into the formation of Parliament, and the conduct of Parliamentary affairs, a new combination of persons, hovering and shifting from side to side, as the contending parties of the day may happen to court their alliance, and purchase their occasional aid by increasing their lasting preponderance?

In the next place, can such a change be desired by the Protestants who Dissent from the Established Church, after that casual bond is dissolved which recently united them with the Roman Catholics, in pursuit of an object which, so far as regards the Dissenters, no longer exists?

The Protestant Dissenters are an intelligent and well-informed class of men; and they well know that, of all Christian sects, they and their tenets are most obnoxious to Rome. They well know the spirit of Encroachment which actuates

that Church in the pursuit of Power once placed within its reach. They well know the formidable character of that Power over the minds and actions of those whom it governs; that the Priest, armed with the tyranny of Confession, and the terrors of Excommunication, appears to his servile followers as their God; and that in prostrate subjection to the Priest, no Roman Catholic can (in the ordinary phrase) say, that his soul is his own. It is impossible that Protestant Dissenters can desire to see such a Domination re-established, of which they must be the first victims.

Much has been said in this debate of the Antiquated state of the Doctrines of the Church of Rome, and the mitigation of their rigour by those who profess them in modern times. But, my Lords, all Europe has witnessed within the scope even of the present century, and within the last twenty years, the most mischievous Doctrines of the Church of Rome, politically mischievous, proclaimed and re-asserted by the highest Roman Catholic authorities.

The last Sovereign Pontiff, in his circular letter of 1808, addressed to the Foreign Ministers then resident in Rome, upon the subject of religious worship in France, declares that the Church of Rome abhors toleration;* and in his circular of the same year, addressed to his Cardinals and

* "Relation de ce qui s'est passé à Rome, &c." 12mo. Londres, 1812.—vol. i. p. 43, 193.

clergy throughout Italy, prohibits them from taking any oaths of unqualified allegiance to other Sovereigns. *

In England the Vicar-Apostolic and Roman Catholic clergy of the Midland district in 1821, by a solemn judgment† delivered upon the Bills then depending in Parliament, declared that no Roman Catholic could, upon oath, disavow the Deposing power, nor disclaim their desire and endeavour to weaken, disturb, and overthrow the Protestant Religion; not indeed the Protestant Church Establishment; but the one overthrown, how long the other would survive, your Lordships cannot be at a loss to decide.

And the Reports of the Commission of Education in Ireland in 1827 clearly prove that the Dispensing power as to Oaths is still maintained in its fullest extent, and without any practical limitation.‡

With respect to the distinction between Spi-

* Ibid. vol. i. p. 97.

† Dated Wolverhampton, 13th March, 1821, and signed R. R. J. Milner, Vic. Apost. Rev. Walter Blount, Arch. Priest, Rev. William Benson, Sec. And thus it was laid down by *Bellarmino*, “Itaque si tales Principes non conentur fideles a fide avertere possunt quidam per Ecclesiam privari dominio; tamen Ecclesia non semper id facit, vel quia vires non habet, vel quia non judicat expedire. At si iidem Principes conentur avertere populum a fide, possunt et debent privari suo dominio.”—*Bellarmino, Recognitio Librorum de Summo Pontifice. Ingoldstadt, 1608, p. 44.*

‡ Eighth Report of Commissioners on Education, p. 155, 171. 283, &c.

ritual and Temporal power, so much relied upon by some of its advocates, the Church of Rome herself has never defined it, nor ever will.* Every one knows that Excommunication is an act of Spiritual jurisdiction, and every one knows also, that its effects are also Temporal. Upon the latest Parliamentary Elections in Ireland all such distinctions were notoriously disregarded; and Electioneering exhortations, and Electioneering denunciations, were delivered by the Priests in their Chapels and from their Altars.

Nor if we look to the individual character of those by whom these powers are in our own times exercised, and by whom it has been supposed that their rigour might be mitigated, shall we discover any guarantee for such moderation; neither in those who have been imported from Coimbra or Salamanca, nor among those who are educated at the public expense in the Royal College of Maynooth, where prevarication upon oath, and treasonable cabal, appear to have thriven in recent times most abundantly.†

These, My Lords, are not antiquated and by-gone Opinions and Doctrines, they are all promulgated and spread abroad within our own times and under our own observation. We have the Pontifical circulars of 1808 throughout Italy, the manifesto of the Priests of the Midland district of England in 1821,

* Lord Clarendon on Religion and Policy, 8vo. p. 667.

† Eighth Report of Commissioners on Education, p. 298, 330, 335, &c.

the whole mass of recorded Evidence on oath taken before your Committee upon the State of Ireland in 1825, the Reports of the Education Committee in 1827, and the Class Books then and still in use to this hour at Maynooth. These are the living Doctrines of those who now ask you for more power to enforce them ; these are the springs of action which animate all their exertions ; and in these I certainly do not see the materials for increasing the Stability of the Protestant establishment or the general Concord and Satisfaction of all classes of His Majesty's subjects.

If, therefore, this projected change in our Constitution holds out no expectation or probability of benefit to the Protestants of the United Kingdom, whether of the Established Church, or to those who Dissent from it, shall we nevertheless adopt it for the sake of those separate benefits and blessings so much insisted on, which it is expected to bestow upon the population of Ireland ? Will it, in fact, tranquillize Ireland ?

For the tranquillity of Ireland, it has ever appeared to me that other measures, widely different from this project, are urgently and indispensably necessary.

In the first place, let security for Life and Property be established by the strong arm of the law ; so that no Gentleman or Householder in Ireland need to barricado his dwelling before the sun goes down, in order that he and his children may sleep in safety. For it is matter of just reproach,

that no Administration, ever since we became one Nation by the Union, has ever discharged this first and paramount duty of every civilized State towards its subjects. Let this blessing, therefore, be no longer delayed; and let there be a prompt, steady, uniform, vigilant, and effectual execution of the Laws to protect the peaceable and industrious of all classes; for, “no people under the sun (it has been truly said)* love equal and indifferent justice better than the Irish.” And let the Illustrious Person, now happily at the head of His Majesty’s Government, distinguish the æra of his power, and add this to the other glories of his public life, by extending to the inhabitants of what is more peculiarly his native country, the same shield of Civil Protection which makes Life and Property secure in every other part of the British empire.

Until Life and Property are secure, it is in vain to expect that British Capital, so often and so earnestly invoked, but hitherto invoked in vain, will ever visit the shores of Ireland. But when every man may be confident that he shall reap in safety the fruits of his own toil, Enterprize will spring up in every direction. Let him but find the market of England open for his recompense, without a rival importation of Foreign produce to undersell him, and Tillage will spread itself over lands hitherto uncultivated; and it will be found better policy for our domestic wealth and inde-

* Sir John Davies’ Historical Tracts, 8vo. p. 227.

pendence, to seek our supplies of subsistence from Ireland than from Poland, or from any other foreign country on the continent of Europe. And the surplus industry which Tillage or the extension of Manufactures may not at first call into immediate activity, may surely be turned to account by employing it for a time upon the execution of Public Works for the agricultural and commercial improvement of the country; to be set on foot, indeed, at the outset by Public aid, but that aid limited at the same time by the condition of a due share of Local Contribution; works, such as have, within the last five-and-twenty years, by similar means, so signally improved the Northern Districts of Scotland.

Employment, as was truly said by the Noble Duke at the head of His Majesty's Government, in the late discussion upon the distressed state of Ireland, is the great desideratum for the superabundant population of Ireland; and that Principle being adopted, we may be assured that the vigilance and activity of His Majesty's Government will embrace the earliest practicable opportunity, and the best Practical means, for carrying that Principle into full execution.

To accomplish the tranquillity of Ireland, what is falsely and absurdly called Roman Catholic Emancipation, is not the true and appropriate remedy.

The disturbances which have so long agitated, and which still unhappily exist in many parts of

Ireland, have their root in causes widely different. They are proved, by the sworn evidence taken three years ago before your own Committee, to arise out of the state of Property, and the state of Society in those districts ; and out of the restless endeavours of the miserable Occupant to invade and control the rights of the lawful Owner ; to prescribe who shall, or shall not, be his tenant ; whom he shall, or shall not, employ as his cotter and his labourer ; and the Emancipation which is really nearest to the peasant's heart, is Emancipation from the payment of Rent and Tithes. To relieve him from their unreasonable pressure, much has been done of late by the enactment of many beneficial laws, and mainly by the Tithe Composition Act ; but much more remains to be done by steady, cautious, and prudent, Legislation ; with a constant and persevering attention to the wants of the people.

And although Religious Differences may, and do, too frequently exasperate the feelings of the people, and aggravate these disturbances and outrages, that they are not the generating cause of their existence is demonstrably proved by the fact, that those outrages prevail more in the Central and Southern parts of Ireland, where the population are almost all uniformly Roman Catholic, and less in the Northern counties, where the numbers of each persuasion being more equally balanced, the conflict might be most naturally expected. I would ask from many now present who know it,—

Is it not in the Central and Southern counties that the Roman Catholic Proprietor barricades his house against the Roman Catholic insurgent? and are not the habitations, the stack-yards, and the cattle, of Roman Catholic owners, destroyed nightly by Roman Catholic aggressors?

Unhappily, the Roman Catholic Priests will not consent to the joint Education of Roman Catholics and Protestants, even in matters belonging to our Common Faith; a measure which, if adopted, might gradually and greatly mitigate these evils, and perhaps ultimately extirpate them.

And unhappily, also, these Spiritual pastors, the Roman Catholic Priests, have made themselves the Temporal agents of that monstrous political engine of mischief, the Roman Catholic Association, which, in defiance of the law, a law framed by a Noble and Learned Lord now present amongst us, and who may explain to us the causes of its failure, has established a Rival Parliament in the Metropolis of Ireland, uttering daily its unrestrained libels and menaces against the Church, the Parliament, the Government, and Royalty itself; apparently with the countenance, and certainly without the reprobation, of the Local Government.

Beyond all this, it remains, My Lords, for most serious consideration, how far the tranquillity of Ireland would be ensured, even if all that is demanded by the Roman Catholics were granted. And whether Discord of another and more for-

midable character would not arise, when the Roman Catholic population, armed with new privileges and new authorities, were urged by their Priests into collision with all the Rank and Property of Ireland, nine-tenths of which are now vested in Protestant Proprietors. May we not rather expect that terror and dismay would spring up from another source, and be spread still further and wider; and instead of arriving at the termination of your evils, whether you would not only be opening the commencement of new and heavier disasters? far indeed from producing “peace and strength, or concord and satisfaction, to all classes of His Majesty’s subjects.”

With such well-founded Apprehensions, and such powerful Reasons for rejecting the present motion, as derived from the Domestic view of this question, we are desired, however, to shake off our English prejudices, and borrow at least some share of wisdom from the Foreign, and more enlightened Policy of other Protestant nations on the Continent of Europe.

The solution of all our difficulties is presented to us by a recommendation, to open a direct Intercourse with the See of Rome, and by that Alliance, to settle matters in a manner satisfactory to all parties.

Upon this Project, it is to be remarked at once, that it is a full, frank, and complete admission of the fact hitherto so strenuously denied; namely, “the Divided Allegiance” of our Roman Catho-

lic fellow-subjects; and the Sovereign of these Realms is to take to his aid the Sovereign Pontiff of the Church of Rome, to help him in the Government of his own Subjects.

Be it so. And then we have exhibited to us also the Forms practised by other Protestant States for this purpose, and the Example of its salutary effects in their dominions, as a torch of experience put into our hands to light us on our way.

As to Form, a Concordatum, it is said, can only subsist between the See of Rome and Roman Catholic powers; and our proceeding is to be by sending an Ambassador to request a Bull; for which it will be seen that we are to pay, however, by Stipulations on our part.

The leading Examples set before us are, not Protestant Sweden; for there the Exclusion of Roman Catholics from Political Power, from seats in the Diet, and from all high offices in the State, is thought to be the best guarantee; but Prussia, Hanover, and the Netherlands are the Examples; and all of these are new and untried.

As to Prussia, the date of its arrangement with the See of Rome is 1821; under which the Sovereign appoints to the Bishoprics, a power which we have been told long since would be inadmissible in Ireland, even though confirmed by the Pope;* and it is stipulated also, that Roman Catholics are to pay no Tithes to Protestants. Will this Stipulation increase the Stability

* See *Dr. Doyle's Evidence before the Lords Committee, 1825*, p. 366.

of the Protestant Church in England or in Ireland? or will it be acceptable to the Lay Impropropriators in either part of the United Kingdom?

In Hanover, the date of the Papal Bull is 1824. Here the Protestant Sovereign has undertaken, “*Rex spondit*,” to endow the Roman Catholic Bishoprics, and Deans, and Chapters, with Lands, or Stipends of suitable amount. And will a British minister be prepared to bring down a Recommendation from the Crown; or will a Protestant Parliament be disposed to grant thousands upon thousands of public money, for the Endowment of a Roman Catholic Church Establishment? having, in the two first years of the administration of the Noble Marquess opposite to me,* curtailed the former grants for building and repairing Protestant churches in Ireland from 30,000*l.* a-year to 10,000*l.* a-year, and finally suppressed that Grant altogether; although numberless applications for new Churches were then depending before the Board of First Fruits; and, although it was well known, and has been established upon evidence before Your Committees, that, wherever a new Church was built, a full Protestant congregation immediately flowed into it. Moreover this precedent does not greatly recommend itself to our favour when we find that the Spiritual Supremacy of the See of Rome is fully asserted in the conclusion of the Bull for the kingdom of Hanover, with the customary maledictions against all who shall resist it.

* The Marquess Wellesley.

The King of the Netherlands received his Bull in the autumn of last year: and in his Dominions also Roman Catholic Bishoprics, and Deans, and Chapters, are to be established and endowed at the expense of the State; and, what is worthy of remark, the Roman Catholic Bishops may sit there, in the Upper House of Parliament; a pretension insisted upon also by the late Pope with respect to our Parliament, in his Letter of 1816, to the Roman Catholic Bishops of Ireland, which states his expectation that they would, as a consequence of this restoration to their other rights, be restored also to their Seats in this House. *

Of all these Examples which we are required to follow, the oldest is of Seven years date; the next is Four years old; and the last not yet nine Months of age; and all of them inapplicable, or adverse, to the History, Laws, Manners, and Habits of this Country: a slender foundation for such a mighty change!

These are the General Grounds upon which I cannot agree to the motion of the Noble Marquess, as explained in his opening speech: and moreover, I specially object,

1st. That this is a direct step towards the overthrow of the Reformation in this country, by re-establishing in it the Jurisdiction of the See of Rome.

2d. That it is contrary to the Oath of the Sovereign, who is sworn to maintain, not only the

* See Report of the Lords Committee, 1825, p. 792.

Protestant Episcopal Church, but also the Protestant Religion. And although the Earl of Liverpool did, in the last debate upon this subject, in 1825, state his opinion, that the Concession of any particular degree of Political Power to Roman Catholics might or might not, according to the nature of the case proposed, infringe upon the obligation contained in the Coronation Oath, he did distinctly declare, that in his judgment to Establish and Endow the Roman Catholic Religion within this Realm would be a direct infraction of that Oath. You would have, therefore, to alter that Oath before you could make such an Endowment: and can you alter it as to the Sovereign who has taken it? Or must you postpone the effect of such alteration to the time, (and distant may that be) the time of a Successor to the Throne?

3rd. That to acknowledge the Supremacy stipulated for by the Roman Pontiff, as in Hanover, you must alter the Oath of Supremacy, now taken by His Majesty's subjects, in which they swear, that no Foreign Prelate hath, or ought to have, any Jurisdiction, Power, Superiority, Pre-eminence, or Authority, within these Realms.

4th. As to equalizing the Political Privileges of Roman Catholics and Protestants throughout the British empire, I object:—That you cannot extend the Concession of Political Power to the Roman Catholics of Scotland without violating the Act of Union with Scotland, which excludes all Roman Catholics from being Electors, or Elected to seats

in Parliament ;—That to introduce the Roman Catholics of England and Ireland into Parliament, whilst you exclude the Roman Catholics of Scotland, would change the relative situation of Scotland, and place it in circumstances different from those on the faith of which that compact was founded ; And that to introduce English Roman Catholics into Parliament, you must repeal a whole series of Acts, from 30 Car. 2nd to 9 Geo. II., including some of the most solemn parts of the Bill of Rights.

Objecting upon all these grounds to the proposed Resolution, and its consequences, I would say, as has been said before in this House, “ Remove no more Land-marks, but keep all Orders of His Majesty’s Subjects in their present Places and Stations, as they now stand.”

And when this Question of Concurrence shall be finally brought to the Vote, I therefore must and shall say, most decidedly, “ *Not Content.*”

After Debate, upon the Question put ;—“ That this House do Concur in the said Resolution ;” the House divided ;

Content,	92 ;	Proxies,	45—Total	137
Not Content,	123 ;	———	59 ———	182

Majority against the Resolution	45
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FINIS.

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